

# **Development Control Committee**

Schedule of Applications  
for  
Planning Permission



**31st January 2003**

## The Schedule of Applications

This schedule is set out in five parts:

**SCHEDULE A** - contains full reports on each application proposal and concludes with a recommendation to the Development Control Committee to assist in the formal determination of the proposal or, in certain cases, to assist Members to formulate the City Council's observations on particular kinds of planning submissions. In common with applications contained in Schedule B, where a verbal recommendation is made to the Committee, Officer recommendations are made having regard to material planning considerations pertaining to the specific proposal and in particular to:-

- relevant planning policy advice contained in Government Circulars, Planning Policy Guidance Notes, Development Control Policy Notes and other Statements of Ministerial Policy;
- the adopted provisions of the Cumbria and Lake District Joint Structure Plan;
- the City Council's own statement of approved local planning policies including the Carlisle District Local Plan;
- established case law and the decisions on comparable planning proposals
- including relevant Planning Appeals.

**SCHEDULE B** - comprises applications for which a full report and recommendation on the proposal is not able to be made when the Schedule is compiled due to the need for further details relating to the proposal or the absence of essential consultation responses or where revisions to the proposal are awaited from the applicant. As the outstanding information and/or amendment is expected to be received prior to the Committee meeting, Officers anticipate being able to make an additional verbal report and recommendations.

**SCHEDULE C** - provides details of the decisions taken by other authorities in respect of those applications determined by that Authority and upon which this Council has previously made observations.

**SCHEDULE D** - reports upon applications which have been previously deferred by the Development Control Committee with authority given to Officers to undertake specific action on the proposal, for example the attainment of a legal agreement or to await the completion of consultation responses prior to the issue of a Decision Notice. The Reports confirm these actions and formally record the decision taken by the City Council upon the relevant proposals. Copies of the Decision Notices follow reports, where applicable.

**SCHEDULE E** - is for information and provides details of those applications which have been determined under powers delegated by the City Council since the previous Committee meeting.

The officer recommendations made in respect of applications included in the Schedule are intended to focus debate and discussions on the planning issues engendered and to guide Members to a decision based on the relevant planning considerations. The recommendations should not therefore be interpreted as an intention to restrict the Committee's discretion to attach greater weight to any planning issue when formulating their decision or observations on a proposal.

If you are in doubt about any of the information or background material referred to in the Schedule you should contact the Development Control Section of the Department of Environment and Development.

This Schedule of Applications contains reports produced by the Department up to the 17/01/2003 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 22/01/2003.

Any relevant correspondence or further information received subsequent to the printing of this document will be incorporated in a Supplementary Schedule which will be distributed to Members of the Committee on the day of the meeting.



## Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
01.	02/0196 A	L/A field 3328, Castle Carrock, Cumbria,	AMT	1 ✓
02.	02/0864 A	The Forge, Moorhouse, Carlisle, CA5 6EY	AMT	98
03.	02/1150 A	21 Arthuret Drive, Longtown, Carlisle, CA6 5SG	KB	108
04.	02/1194 A	Braeside, 18A Brampton Road, Carlisle, CA3 9HS	CJH	115
05.	02/1281 A	L/ADJ Crosby Moor Cottage, Crosby-on-Eden, Carlisle, CA6 4QX	CJH	126
06.	02/0785 A	L/A, Hillcrest Avenue, Hillcrest Avenue, Carlisle	ARH	133
07.	02/1084 A	Moss Cottage, Houghton, Carlisle, CA6 4JN	CJH	147
08.	02/0422 A	L/A, Townfoot Farm, Cumrew, Carlisle	ARH	161
09.	02/0777 A	Newby Cross, Newby Cross, Carlisle, CA5 6JP	ARH	191
10.	02/0801 A	7-9 West Tower Street, Carlisle	RJM	210
11.	02/0880 A	20 Ghyll Road, Scotby, Carlisle, CA4 8BT	SG	220
12.	02/0931 A	L/A Field No 0063, Adj Gatesgarth, Irthington, Carlisle	AMT	227 ✓
13.	02/0976 A	53 Townfoot Park, Brampton	SG	239
14.	02/1017 A	4 Holme Close, Scotby, Carlisle, CA4 8BN	SG	245
15.	02/1029 A	The Hunley, Scaleby, Carlisle, Cumbria	RJM	253

## Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
16.	02/1030 A	Newby West Filling Station, Newby West, Carlisle, Cumbria	SG	263
17.	02/1044 A	Saughs Farm, Bailey	ARH	272
18.	02/1098 A	Ghyll Bank, Harker, Carlisle	CJH	284
19.	02/1151 A	13 Rosebery Road, Stanwix, Carlisle, CA3 9HU	RJM	289
20.	02/1160 A	L/A Carleton Grange, Garlands Road, Garlands Estate, Carlisle	AMT	300 ✓
21.	02/1213 A	Low Cotehill Farm, Low Cotehill, Carlisle, CA4 0EJ	CJH	307
22.	02/1238 A	10 - 14 Lowther Street, Carlisle, Cumbria, CA3 8DA	AMT	314
23.	02/1242 A	10 - 14 Lowther Street, Carlisle, Cumbria, CA3 8DA	AMT	324
24.	02/1254 A	10-16 Botchergate, Carlisle, CA1 1QS	AMT	327
25.	02/1261 A	49-53 Blackfriars Street, Carlisle	RJM	338
26.	02/1271 A	4, The Courtyard, Carlisle Road, Brampton, CA8 1SS	KB	344
27.	02/1275 A	Booze Buster, 2 Beechwood Avenue, Stanwix, Carlisle, CA3 9BU	RJM	349
28.	02/1278 A	Booze Buster, 265 Warwick Road, Carlisle, CA1 1LT	RJM	362
29.	02/1279 A	Croglin, Greenfield Lane, Brampton, CA8 1AU	SG	374
30.	02/1308 A	37 Northwood Crescent, Stanwix, Carlisle, CA3 9BT	ARH	381

Date of Committee: 31/01/2003

## Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
31.	02/1317 A	Woodland Cottage, Cotehill, Carlisle, CA4 0EN	KB	389
32.	02/1342 A	Reiver Court, Kingstown Road, Kingstown, Carlisle, CA3 0AD	AMT	399 ✓
33.	02/0424 B	L/A, Sawmill, Sawmill lane, Brampton	CJH	407
34.	02/0914 B	L/A Field 3300 adjacent to Moorpark Farm, Thurstonfield, Carlisle	RJM	418
35.	02/1109 B	L/A Field 9526, Grinsdale, Carlisle, CA5 6DS	ARH	438
36.	02/1166 B	L/A Field No 5633, Upper Denton, Gilsland	ARH	447
37.	02/1205 B	Westmoor, Low Crindledyke, Rockcliffe, Carlisle, CA6 4BH	AMT	457 ✓
38.	02/1227 B	Orton Grange Caravan Park, Orton Grange, Carlisle, CA5 6LA	SG	464
39.	02/1234 B	9 - 9A Fisher Street, Carlisle, CA3 8RF	CJH	473
40.	02/1235 B	9 - 9A Fisher Street, Carlisle, CA3 8RF	CJH	487
41.	02/1247 B	L/A Union Lane, Brampton, Cumbria	CJH	490
42.	02/1262 B	L/A Part Field No 3333 - Burthinghurst, Walton, Brampton	RJM	499
43.	02/1299 B	School House, Wetheral, Carlisle	RJM	517
44.	02/1310 B	5 Near Park, Scotby, Carlisle	RJM	524
45.	02/1314 B	L/A to rear Oulton House, 66 Carlisle Road, Brampton, Cumbria	CJH	530

## Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
46.	02/9031 C	Newtown Primary School, Carlisle, CA2 7LW	CJH	538
47.	01/1126 C	Bay Tree House, Plains Road, Wetheral, Carlisle, Cumbria	ACE	541
48.	02/0086 C	L/A Fld 8171 adj St Johns Church Hall, Houghton,, Carlisle, Cumbria	SG	543
49.	02/0682 D	Newfield Grange Hotel, Newfield Drive, Carlisle, Cumbria	RJM	546
50.	02/1069 D	19 Lodore Drive, Carlisle, Cumbria, CA2 7SG	RJM	547
51.	02/1082 D	Belmont Cottage, The Row, Low Crosby, Carlisle, Cumbria, CA6 4QW	RJM	548
52.	02/1173 D	3 Ash Lea, Brampton, CA8 1TD	SG	549

**SCHEDULE A**

**SCHEDULE A**

**SCHEDULE A**

**SCHEDULE A**

**SCHEDULE A**

**SCHEDULE A**

## SCHEDULE A: Applications with Recommendation

02/0196

---

Item No: 01

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/0196

**Applicant:**  
Montgomery Housing

**Parish:**  
Castle Carrock

**Date of Receipt:**  
22/02/2002

**Agent:**  
Green Design Group

**Ward:**  
Great Corby & Gettsdale

**Location:**  
L/A field 3328, Castle Carrock, Cumbria,

**Grid Reference:**  
354350 555270

**Proposal:** Erection of 12 No. Detached Dwellings and 4 No Linked 2 Bed Houses  
For Rent For Local Occupancy (Revised proposals)

**Amendment:**

AMT

---

### Report

#### Planning Policies:

##### **Cumbria & Lake District Joint Structure Plan Policy 1**

New development will be provided, mainly in the towns, to meet the social and economic needs of the County's population, but in a manner which, through appropriate location, scale, design or use, does not diminish the quality of the environment within the County or beyond, or for future generations.

##### **Cumbria & Lake District Joint Structure Plan Policy 2**

The County's scenic beauty, natural resources and the quality of its built environment will be protected from inappropriate development, especially those areas and features of international or national conservation importance where harmful development will not be permitted.

##### **Cumbria & Lake District Joint Structure Plan Policy 11**

Development and other land use changes detrimental to the present characteristics and qualities of the landscape of the National Parks, AONBs and the Heritage Coast will not normally be permitted. Particular regard will be paid to the protection and enhancement of undeveloped open countryside and coast, the lakes and other sensitive locations, and in addition in National Parks the character of land identified on Section 3 Conservation Maps. Development required to meet local infrastructure needs which cannot be located elsewhere, will normally be permitted provided it is

## **SCHEDULE A: Applications with Recommendation**

02/0196

sited to minimise environmental impacts and meets high standards of design.

### **Cumbria & Lake District Joint Structure Plan Policy 25**

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

### **Cumbria & Lake District Joint Structure Plan Policy 41**

Housing and employment development within AONBs will normally be permitted provided it is:

- i. small in scale and compatible with the needs of local communities, and
- ii. within or immediately adjacent to existing settlements, except where essential for the working of a farm or involving a conversion of a traditional building for employment uses,
- iii. in sympathy with the character of the settlement and maintains the natural beauty of the landscape.

### **Carlisle District Plan Environment - Policy E3**

Within and adjacent to the North Pennines and Solway Coast Areas of Outstanding Natural Beauty, permission will not be given for development which would be unacceptably detrimental to the present character and quality of the landscape. Development proposals should seek to conserve or enhance the present character and quality of the landscape through appropriate siting, design, materials and landscaping. Large scale development will only be permitted where there is proven national need and lack of an alternative site.

### **Carlisle District Plan Environment - Policy E50**

The loss to built development of significant public and private open spaces within settlements will not be permitted.

## **SCHEDULE A: Applications with Recommendation**

02/0196

### **Carlisle District Plan Housing - Proposal H5**

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

### **Public Footpath**

The proposal relates to development which affects a public footpath.

### **Summary of Consultation Responses:**



## SCHEDULE A: Applications with Recommendation

02/0196

**Castle Carrock Parish Council:** an open Parish meeting was held in the village on 13th March and 70 parishioners attended. After prolonged debate the proposals was put to the vote and "the proposed development was overwhelmingly turned down".

The Parish Council separately carried out a questionnaire survey distributed to 126 households in the parish of Castle Carrock. It sought the considered opinion on the application. The Parish Council received 66 replies with opinions expressed as follows:

11% were in favour of the proposal for 11 dwellings;  
35% were in favour of no development; and  
54% were in favour of 4-8 houses, but some respondents commented that some should be suitable for first time buyers .

Following the receipt of the revised application, including the strip of land previously omitted, and changing one dwelling plot to a terrace of low cost homes for rent, the Parish Council has been re-consulted on these amendments. Their response, dated 14th December 2002, is printed in full following this Report. The salient points of that reply are:

- the Chairman of the Parish Council convened an Extraordinary Meeting of the Parish Council to discuss the modified submission
- a further open forum was organised at the Village Hall at which the revised plans were displayed and all residents were invited to view them
- following both that Extraordinary Meeting and the open forum the Parish Council vigorously opposes the application in every respect
- the Parish Council further resolved to seek to buy the field at agricultural land value and has now written to the Chief Executive of Cumbria County Council expressing that wish
- in the event that approach is not successful and the land is sold for development, the Parish Council would continue to oppose the current submission but consider a development of not more than 4 houses constructed in local stone, roofed with slate and designed to blend with the surrounding Listed Buildings would be more appropriate
- extracts from the visitors book on the day of the open forum are provided;

**Cumbria County Council (as Strategic Planning Authority):** as initially submitted the application was not considered to raise any issues of material importance to the Structure Plan and was therefore not reported to the County Committee. Officer advice was that the City Council should take into account PPG3 when assessing whether to grant planning permission.

Subsequent to the recent modification of the application, resulting in the proposals increasing to a development of 16 units, the application now falls within the category of a "strategic" application upon which the County Council would be expected to comment. The amended proposals were forwarded to that Authority so that the application could be considered at their Committee meeting on 19th December. The Committee resolved to defer the application to await a Landscape Assessment and to carry out an unaccompanied site visit prior to the application being reported back on 29th January. The formal response will, therefore, be reported to City Council Members on 31st January;

## SCHEDULE A: Applications with Recommendation

02/0196

**Highway Authority:** as Members will recall from previous reports, the Highway Authority have set out requirements in relation to the design and layout, lighting, etc. in accordance with their normal criteria when dealing with housing developments. Some of the measures that were sought are not, however, conducive to the attainment of a sensitive or suitable small housing scheme in a village like Castle Carrock e.g. footway along the site frontage, street lighting, increased radius at the access, reduction in the height of the proposed dry stone boundary walls, etc. and were thus subject to further discussions with the Highway Authority. The initial response was to continue to insist on the imposition of design standards that would have resulted in a layout dominated by its road system but more recent discussions have been more sympathetic and indicate that they Highway Authority would be prepared to acknowledge the local circumstances agree a more sensitive approach;

**The Ramblers:** provided the development does not interfere with the adjacent Public Footpath, the Ramblers Association has no objection to the proposal;

**The Countryside Agency:** the Countryside Agency does not have any comment. We would stress that the absence of comment or direct involvement in individual proposals is simply an expression of our priorities. It should not be taken as implying a lack of interest or indicating either support for, or objection to, any proposal;

**Cumbria County Council (Archaeological Services):** the site is within an area of archaeological interest. A moated site survives as an earthwork a little to the east of the Church at Castle Carrock. This is likely to represent the remains of a medieval manor house. Elsewhere in Castle Carrock further remains have been recorded that appear to relate to medieval occupation. Similar earthworks have been observed within the development site during a site appraisal. There is, therefore, good reason to believe that this site has archaeological interest.

Subsequently, an archaeological evaluation involving fieldwork carried out in mid-April has been undertaken by the North Pennines Heritage Trust in accord with a brief prepared by the County Archaeologist. The results of the desk-based assessment and fieldwork demonstrate that the earthworks observed were the result of 19th century agricultural practice and do not represent the remains of a shrunken medieval settlement. These features are of limited archaeological interest and the evaluation provides an adequate record of them. Consequently there are no further archaeological requirements to be met;

**Environment Agency:** the Agency has no objections but recommends that the development should incorporate some form of Sustainable Urban Drainage System to mitigate the impact that the creation of a large impermeable area would have on the local surface water drainage system. Alternatively, the Agency requests that the run-off of surface water to the existing surface water infrastructure is maintained at the existing rates in order that the development does not contribute to an increased risk of flooding. It is recommended that 2 planning conditions are attached to any consent that may be granted;

**Head Of Design (Drainage Services):** there are foul sewers to the north and west of the site with sufficient spare capacity to accept foul flows though the sewer to the

## SCHEDULE A: Applications with Recommendation

02/0196

north may not be connectable by gravity. The applicant will need to show by means of satisfactory porosity tests that the proposed soakaway system for dealing with surface water is a viable option. If they are shown to be unsuitable it should be noted that there are no surface water sewers in the vicinity of the development;

**Council For The Preservation Of Rural England:** contends that the proposal would be contrary to the terms of PPG3 as it would result in the development of an unallocated, greenfield site and would add to the over- provision of housing supply in the District up until the end of the Plan period 2006. There is no evidence of housing "need" over and above the existing housing supply for the District as required by the Local Plan. The scale and layout of the development would also cause harm to the visual amenities, setting and character of Castle Carrock. It is recommended that planning permission be refused. A full copy of the 13 page response from CPRE is reproduced.

In common with other consultees, the CPRE has been re-consulted on the revised proposals and their response was received on 12th December. It is a lengthy reply and is printed in full, together with its' Appendix (Copy of the Housing Need Survey carried out by Cumbria Rural Housing Trust). In summary, the CPRE comments on the application proposals maintain their opposition to the development of the field on the grounds that:

- approval of the amended proposal for 16 units in total would exacerbate the over provision of rural housing in the District
- the development would not maximise the re-use of previously developed land and the conversion and re-use of existing buildings
- it would not focus development on the higher order settlements of Carlisle, Brampton, Longtown or Dalston
- there is no assessment of the application against the urban housing capacity study
- the sequential test has not been applied
- the site does not accord with advice in PPG3 regarding windfall sites
- there is no attempt to assess the environmental capacity of Castle Carrock
- despite lack of need it is suggested that the site could be phased but there is no detail as to how much and when
- there is no attempt to provide the higher level density of development now sought by Central Government;

### **Head of Environmental Protection Services- Housing Strategy Services**

**Officer:** comments on the "local need" element of the revised proposals were requested on 6th December but have only just been received (16 January). However, having regard to the research commissioned through the Cumbria Rural Housing Trust it is not considered that sufficient current need for social housing in the village has been identified. Although there are issues about the need to take a long term view, it is advised that it is not practical to pursue social housing in Castle Carrock at this point in time.

### **Summary of Representations:**

#### Initial Publicity Measures:

## **SCHEDULE A: Applications with Recommendation**

02/0196

A Site Notice was displayed and Press Notices inserted in the Cumberland News. Additionally, written notification of the receipt of the application was sent to the occupiers of 7 properties which have a boundary with or are in the immediate vicinity of the site. In addition, the Parish Council organised an open parish meeting to discuss the application.

Subsequent to these measures a total of 55 letters were received. That total included instances where households wrote more than once (e.g. two households sent in 4 letters, two other households sent in 3 letters and 4 households wrote twice). It also included two letters where writers did not give addresses and a letter enclosing a petition organised in 2000 to oppose "any building development" on field 3328 known locally as "Sid's Field".

All of the letter writers opposed the development although a minority indicated that they considered a smaller scale scheme on part of the field would be more appropriate to the village. The overwhelming majority of those who commented on the application live within the village or at isolated properties within the Parish but 3 letters were received from addresses outside the District.

With the exception of the latter, the locations of objectors' properties are shown on plans included within the Schedule. These show, not surprisingly, that the greatest concentration of objections come from households living close to the site itself.

The plan of the village also indicates that from the northern limit of the village (Rowanburn) to 14 Rectory Road in the west and Hallsteads in the east the occupiers of 23 households oppose the application but at least 63 households within that same area have expressed no view at all about the planning application.

In addition to the letters received from individual properties, a letter was sent in by "Castle Carrock Pound" a group of villagers who believe the field subject of the application should remain undeveloped and should be sold to the village for £1 by the County Council. That group further commissioned a landscape appraisal of the application site from a firm of Landscape Architects to support their objection and it is reproduced in full within the Schedule.

One letter was been received in which the writers support the proposed development.

Copies of all of those representations are included in full within the folder placed in the Group rooms.

### Publicity for the Revised Proposals:

The amended proposals for 16 dwellings were received at lunchtime on 29th November and that afternoon letters of notification of those amendments were sent to consultees and local residents seeking views within 14 days. Following contact from some village residents who were concerned that they had not received notification, all residents were re-consulted on 9th December.

## **SCHEDULE A: Applications with Recommendation**

02/0196

In response, a total of 102 letters or e-mail responses have been received, all but 3 opposing the development outright. Many writers (70) have responded by signing and returning a pro forma letter that has been compiled and posted through villagers doors, although one is returned from a Penrith address. Some respondents (8) have also returned that pro forma letter but have written additional comments while the other correspondents have written individual letters instead of, and in some cases in addition to, the pro forma letter. A number of those letters refer to their original objection letters to the initial submission and reiterate those objections.

In total, the comments received emanate from 54 addresses in the Castle Carrock area (one not precisely identified but stated to be opposite the site), two are from addresses in Penrith and one is from an address in Heads Nook. It follows that some households have written more than once: 31 households have written 2 letters, 5 households have written 3 times and 3 households have written 4 times. Members should note that 14 households have commented on the revisions but did not make any observations on the original proposals.

Whilst it is now the Committee's normal practice to have all correspondence within the separate "letters" file, in view of the sensitivity of the application and certain remarks within some of the e-mails/letters that have been received, a copy of the "pro forma objection letter" together with all other individual letters or e-mails that have been received in response to consultation on the amendments are printed after this report. Previously received letters and all other copies of the standard objection will be in the usual letters folders.

Members will note that strong objections have been made and these are almost universally felt by respondents. Only 3 writers, from 2 separate households in the village, support development of the field but would wish a more restricted amount of dwellings.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History**

There have been no previous planning applications for development of the application site.

#### **Details of Proposal:**

#### **DETAILS OF THE PROPOSALS**

#### **Introduction:**

Members will recall that this application was subject of Reports presented at the

## SCHEDULE A: Applications with Recommendation

02/0196

Committee meetings on 15th March and, after a Site Visit two days previously, on 19th April. At that latter meeting:

*"Members resolved to defer consideration of the proposal in order to await the response to consultation from Cumbria County Council (as Strategic Planning Authority), the completion of an archaeological evaluation of the site and related response from the County Archaeological Service, and further advice from Officers in relation to the issue of housing land requirements and the relationship to guidance within PPG3 and for these matters to be incorporated within a further report on the application at a future meeting of the Committee".*

The application was subject of a further Report to the Development Control Committee on 14th June. At that meeting a separate Agenda Report was programmed to be discussed relating to the need to Review Housing Policy in the Rural Area in the light of PPG3 and Members were recommended that it would be inappropriate to determine the proposals since that review was central to any consideration of the application. Moreover, Members attention was directed to correspondence received by Fax that morning from the Government Office North West which directed the Council (under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995) not to grant planning permission for the proposed development without special authorisation. Members accepted Officer advice and recommendation and resolved:

*"That, bearing in mind the direction issued by Government Office North West and the need to reach a policy decision on the Review of Rural Housing in Relation to PPG3, consideration of this application be deferred".*

A Report was included in the Schedule of Applications at the meeting held on 20th December but the determination was deferred in accordance with the following Minute:

*"Members resolved to accept the recommendation from Officers that consideration of the proposal be deferred for the following reasons:*

- To allow the opportunity for residents to comment on the revised application proposals;*
- To allow those residents who wished to register a "Right to Speak" the opportunity to do so;*
- To await the County Council's response as "strategic" planning authority and give consideration to issues that may arise from the Landscape Assessment that Authority was undertaking; and*
- To enable the joint Site Visit that Cumbria County Council wished to undertake to be carried out*

*and to await a further report on the application at a future meeting of the Committee."*

NB When reported at the last meeting Officers had understood that the County Site Visit would include an invitation for City Councillors to attend; however, it was later clarified that the County Council's policy for Site Visits excludes all other

## **SCHEDULE A: Applications with Recommendation**

02/0196

representation unless it is in respect of an application made by the County Council as applicant.

### The Site's Location and Features:

When lodged, and previously reported to Members, the application related to the bulk (0.66 hectares) of a 0.76 hectare field situated within the centre of Castle Carrock and sought full planning permission for a development thereon of 11 dwellings in the form of 7 houses and 4 bungalows. It was identified that the applicant had indicated the excluded area of the field would be subject of an application for a further single dwelling for his own family's occupation in due course.

However, the applicant has acquired another property in the Castle Carrock area which he is renovating as his family home. He has, therefore, amended the application so that it now relates to the entire field i.e. 0.76 hectares. The way in which that modifies the original proposals is described later in this Report.

Those Members who attended the Site Visit will recall that the field is bounded by a drystone wall along its road frontage, by the garden of Fairfield House to the north-west, a public footpath along the south-east boundary and by the field fence and related trees and hedging along its western boundary up to which the site generally rises from the roadside. The site is, therefore, very well contained and the substantial screen of trees which fringe the Castle Carrock reservoir beyond the site to the south-east further reinforce that sense of enclosure and containment such that it is difficult to imagine where any significant views into the site can be secured other than from immediate neighbouring land.

With the exception of a small range of breeze block, space boarding and metal sheet clad modern farm buildings adjacent to the north-western boundary (see photographs), the site is otherwise a fairly unprepossessing field used for grazing.

### Background to the Application:

It will be recalled from previous Reports that the field was originally part of the County Council owned Garth Farm which was sub-divided and sold off within the last 3 years. It is understood that most of the farm land was acquired by other local farmers whilst the former farm house and related traditional range of farm buildings situated opposite the field was marketed and acquired by a purchaser as a family home. That has been subject of a scheme of restoration/renovation.

Field 3328 field was retained by the County Council but the principles of its suitability as a housing site have been discussed with Officers and an informal planning brief to identify the broad principles that any development of the site should follow was prepared by the Planning Services Division. It is printed within the Schedule for information together with the property sale particulars.

Members should note that this is not a formal Site Development Brief prepared following consultation with the Parish Council or public consultation but was

## SCHEDULE A: Applications with Recommendation

02/0196

prepared to ensure that any future development proposals that might arise as a consequence of the land's sale took proper account of the form, character and setting of the site and its position within the village.

The field was marketed by the County Council in late 2001 and the current applicants have an agreement to purchase. Prior to submitting their offer to buy they, like other developers who submitted offers for the purchase of the field, liaised with Officers to establish what planning policy issues and considerations would need to be addressed. It is, perhaps, pertinent that the current applicants' proposals were significantly less intensive, and designed with greater regard for the character of the village, than the other layout plans and related proposals that competing purchasers had prepared and sought planning comments upon.

It is, nonetheless, apparent that any development scheme submitted for this site will, inevitably, in a village like Castle Carrock (where there has been very little development in recent years) require careful thought and sensitivity. It is, moreover, clear that there is significant local concern about the potential scale and impact of development proposals given the village's attractive form, character and location within the North Pennines AONB. Indeed, it is notable that two years ago, even before anyone had prepared any proposals for the site, some villagers organised a petition opposing any development.

### Details of the Revised Proposals:

As indicated earlier, the application has been modified since it was last reported to Committee. At that time is sought a full planning permission for a development comprising 2 no. 5 bed houses, 5 no. 4 bed houses, 2 no. 4 bed bungalows and 2 no. 3 bed bungalows. These were proposed to be accessed via a single vehicle access from the site frontage, punctuating the stone boundary wall to the roadside only once, and was proposed to take the form of three distinctive residential clusters, two entered by narrowing of the internal access road between plots to achieve a more informal, and thus less "estate layout" format.

The addition of the strip of land adjacent to the north west boundary, so that the application relates to the field as a whole, has resulted in the layout being modified so that the large single plot on which the applicant wanted to build a dwelling for himself is sub-divided to form 2 dwelling plots. One of these would be accessed via an extension of the courtyard previously enclosed by plots 7-11 inclusive with the other plot, facing onto the public highway, having access via a re-siting and improvement to the existing field gate. The applicant proposes that the "roadside" unit would be a 2 storey 4 bed house with double garaging with the rear plot being a single storey 3 bed unit.

As well as the modifications brought about by incorporating that area of the field, the applicant has also had regard to a criticism levelled at the original proposals that they provided only for large, and therefore expensive, properties that would be afforded by the affluent and hence would simply be commuter housing that did nothing for the village or its needs. Recognising these criticisms and aware of the feelings expressed by parishioners who responded to the Parish Council



## SCHEDULE A: Applications with Recommendation

02/0196

questionnaire, the applicant has substituted the 4 bed 2 storey house that had been positioned immediately adjacent to the site entrance and proposes, in its place, a small terrace of 4 no. 2 bed houses. It is proposed that they would be built and managed as rented properties linked to a local occupancy agreement that Montgomery Homes would be willing to enter into under S106 of the Town and Country Planning Act 1990. Members will recall that similar arrangements have occurred in other rural settlements, usually with larger house builders where the dwellings were wholly for sale, but that a small scheme with a local builder retaining some units for rent has been successfully undertaken at Newtown, Irthington. That scheme is linked to a S106 Agreement that covers the definition of the rent to be charged, and has a clause specifying a tiered approach to local occupancy qualification.

In total, the revisions that the present proposals embrace increases the site area (by 0.1 hectare) and the dwelling numbers overall to 16 units from the 11 covered by the original application. The density of the development likewise rises from the 17 per hectare of the original scheme to 21 per hectare in the revised proposals but as Members will observe this is still lower than the current District Plan average of 25/hectare and is significantly below the 30/hectare that PPG3 advocates.

In common with the original submission, the finishes to the proposed dwellings comprise mixtures of stone walling to certain facades e.g. the gable of plots 1 and 11 which face onto the public highway and gables of garages and parts of the bungalows which face onto the road system, but would predominantly be finished in painted render with stone quoins and stone window and door surrounds under natural slate roofs. Similarly the proposed dwellings would have drystone boundary walling to all roadside or other "public" elevations. That palette of finishes is, as Members will remember from the Site Visit, represented within the settlement as a whole.

### Planning Policy Considerations:

Objections to the proposals can be assessed under the following broad headings:

#### Visual and Landscape Impact

Notwithstanding the presumption in favour of development within settlements in AONB's, subject to the criteria set out in Policy 41 of the Structure Plan, or the presumption in favour of residential development that satisfies criteria set out under Policy H5 of the District Plan, a number of objectors, the CPRE and Woollerton Dodswell acting on behalf of Castle Carrock Pound contend that the site is so significant in visual and landscape terms that proposals for development should be refused.

In particular, the CPRE contend that the site is poorly related to the village form and is detrimental to the character and quality of the landscape as it is "*relatively prominent*" from a visual point of view and provides a "*green space (i.e. a lung)*" between dwellings and buildings. No explanation of the term "*relatively prominent*" is provided but the CPRE recognise that the site is at "*the southern edge of the village*

## SCHEDULE A: Applications with Recommendation

02/0196

*envelope" and "could be described as infilling between existing residential properties and agricultural buildings". It is also noted that "the landform rises upwards to the south west...with dense hedging forming the boundary to the south west". Whilst contending that "it is pertinent to the consideration of the application that it lies within the AONB" their analysis of visual impact on the AONB goes onto identify that "the cul-de-sac layout would be seen from public vantage points (i.e. the road) and would be visually intrusive". In short, the only impact they identify the proposals having on the landscape of the AONB is from the street in front of the site.*

Nonetheless, the CPRE maintain that the development would be sufficiently intrusive as to warrant rejection under Structure and District Plan policies relating to the AONB. However, whilst Members should carefully evaluate that element of the objections to the proposals it should be noted that the Countryside Agency, who have a national role in helping to conserve and manage the most sensitive landscapes in England and have been specifically consulted on this application, have not expressed any objections to the proposals nor do they wish to offer any assessment or comments upon them or their impact upon a nationally designated area.

The issue of landscape impact has also been raised by the primary objectors and Castle Carrock Pound. That group has appointed landscape consultants (Woolerton Dodwell) to support their objections. Their Report is printed in the Schedule. It is notable that their submission does not identify any landscape intrusion upon the AONB and/or conflict with adopted planning policies that specifically seek to protect the AONB. Instead, their analysis focuses only on the localised impact of the loss of the field as an open space within the settlement and the proposals are assessed solely in relation to the provisions of Structure Plan Policy 27 and the related District Local Plan Policy E50. Both of these policies establish a presumption against the development of significant public or private open spaces that contribute to the quality of the built environment and/or form a valuable local amenity or contribute to the form and character of the settlement, such as providing important views within the settlement or from the settlement to the surrounding open countryside.

In response to that submission the applicants have themselves commissioned a Chartered Landscape Architect to comment upon the objectors' submission. That document is also printed in full within the Schedule. It concludes that the the major elements which give Castle Carrock its charm and character would not be compromised by the development.

Members will, with these conflicting views, need to make their own judgement of visual/landscape impact of development of the site with the benefit of their recollections of the site visit. That assessment is clearly vital to establishing whether the site is suitable for development or otherwise (regardless of the type or scale of development). This is also a matter which the Strategic Planning Authority, which has commissioned landscape assessments of development proposals for sites that were considered to be sensitively located, wish to consider from their "strategic" perspective. That assessment has not been provided to the City Council at the date of this Report (17th January) but it is assumed that it will be available in the immediate future. It will be reported to Members in either the Supplementary Schedule or at the meeting.

### Design and Detailing

The proposals relate to a field situated within the centre of Castle Carrock, an attractive fellside village situated within the North Pennines Area of Outstanding Natural Beauty. Whilst many objections regard this as amounting to a strong presumption against development, Members will observe that Structure Plan and District Plan policies do not preclude development within settlements in sensitive landscapes such as AONB's, even when they may be smaller and have less developed facilities than Castle Carrock, but the scale of that development is important and higher standards of design, layout and finishes are, clearly, expected.

Guidance on design issues for countryside development has been produced by the City Council to help achieve the highest possible standard of new development within the rural parts of the District as a whole. That is clearly a paramount objective in a sensitive location like this.

That advice in relation to Design in the Countryside is contained within the Countryside Design Summary, the text of which follows this Report, and has been adopted as Supplementary Planning Guidance. It identifies the importance of ensuring that the pattern of new development reflects the relationship of a settlement to its wider landscape setting. The importance of topography, natural features such as trees and hedgés, man made features such as stone walls and the significance of short and long distance views of the settlement from surrounding areas and how well a development integrates with village form are all emphasised.

The Design Summary advocates design approaches that minimise an unnecessarily urban form that has little in common with traditional housing layouts and notes the importance of public and private spaces within villages and views to and from these spaces. Care in the siting and design of dwellings and the layout in general, including ground levels, are key issues as is the form, colour and materials of surrounding roofscape. Selection of suitable materials for buildings and the surfaces of spaces around them and use of design elements that have roots in the character of the area are advocated as is the employment of boundary finishes that mirror the pattern in the locality.

Whilst it is readily apparent that most of the writers who object to this application regard the proposals as unsuitable and out of character with the village, objective examination of the proposals clearly illustrates that the architects have had regard to the advice within the Design Summary and have thought carefully about measures to avoid the development appearing like an urban estate. The building forms are simple and unfussy, detailing is neat and consistent, the range of finishes are reflected within the village, roof forms follow traditional pitches and employ natural slate, and buildings are grouped together and in close proximity to the circulation system rather than set back and "strung out" as is typical of suburban estates. Buildings are linked and plots defined by stone walling, reflecting the strong vernacular pattern of drystone boundaries in this area. Indeed, the only potential discomfoting aspect of the submission has been the risk of the Highway Authority imposing more obviously "urban" design requirements in relation to the vehicle

## SCHEDULE A: Applications with Recommendation

02/0196

access and movement routes within the development. In that regard, it has been helpful in that the Highway Authority has now formally indicated it would be prepared to waive certain design elements in view of the location.

### Scale of Development and Local Housing Policy

Structure Plan policy guidance identifies the strategic requirements for housing land within the county, dis-aggregated to each District which must identify, within their Local Plans, the overall disposition of housing within their areas and the detailed policy criteria against which applications will be assessed. This "plan-led" approach also includes a requirement within the Structure Plan that there must be *"at least a 5 year supply of readily available land capable of accommodating building at a rate which will keep the supply of dwellings in line with the requirement for each District"*.

Within this Council's area, the Carlisle District Local Plan sets out the adopted plans and policies which the Council will observe in considering proposals for development. Its Housing policies place major emphasis upon the bulk of new housing being provided in the urban area, primarily the allocation at Morton, but with additional development allocations directed to the District's next largest settlements of Brampton, Longtown and Dalston. Outside these settlements, proposals for new residential development require to be assessed against Policies H5-H7.

Policy H5 deals with village development and lists the criteria against which development proposals in the specific settlements to which its provisions relate should be evaluated. Castle Carrock is included within those settlements grouped under Policy H5 of the District Plan and, when compared with other villages included in the villages listed within that policy overall, it is apparent that Castle Carrock, due to its size and relatively highly developed level of social and community facilities e.g. primary school, shop/post office, church, village hall and two public houses (one currently not trading), is amongst the higher order.

Indeed, it is notable that the former Carlisle Settlement Policy, which guided planning policy for new residential development in the District from 1978 until the present local plan regime was adopted, included the village within its Category III villages defined as *"smaller villages with a significant service role where the extent of new development will depend on village character, size and suitability. There is a presumption against large scale estate development"*. Similar villages among those included in that village classification were Burgh by Sands, Cotehill, Cumwhinton, Gilsland, Great Corby, Hayton, Rockcliffe and Smithfield. Members will need no prompting to recall that in a number of these settlements there has been residential development of a scale comparable to that now before the Committee in relation to Castle Carrock.

Policy H5 seeks to resist development which is of a scale greater than 20 units within any of the villages that are listed. Both the Structure Plan (para 4.10) and the Reasons/Explanations of Policy H5 define "large scale" as being developments of 20 or more dwellings. It is evident, therefore, that even the increase from 11 to 16 dwellings (as now proposed) is not to be generally considered as "large scale". Moreover, the number of dwellings that are proposed is comparable to, and in some

## SCHEDULE A: Applications with Recommendation

02/0196

instances less, than permitted at housing developments that have been built in recent years in villages e.g. Burgh by Sands, Cumwhinton, Cotehill, and Hayton with a similar service role and is less than has been built recently in other villages with less highly developed services such as Durdar or Linstock.

Members will be aware that both the Structure Plan (Policy 32) and the District Local Plan (Policy H8) contain policies that seek to secure affordable housing although that is generally expected to be achieved through the setting aside of land or construction of specific units within "*large sites*" or "*larger housing developments*". The District Plan also includes a policy that allows for Rural Exception Sites (Policy H9), where presumptions against development contained in other policies may be set aside where defined circumstances (including low-cost housing to meet an identified need) so permit.

Whilst there is no strict requirement for the applicants to make provision for an element of affordable housing, since the development is of a smaller scale than the thresholds identified in relation to Policy 32 and Policy H8 and it is not an exception site to which Policy H9 applies, the applicants are prepared to make provision for smaller homes, for rent, and with a local occupancy obligation.

That is clearly a factor that must be taken into account in terms of assessing the overall merits of these proposals. Indeed, the CPRE's objections to the initial proposals are highly critical of that submission (pages 11/12 of their letter) because the development as proposed was for "*large, detached three to five bedrooomed units with associated car parking....to satisfy general market demand rather than the affordable needs of local people*" rather than, as PPG3 advocates "*villages will only be suitable locations for accommodating significant additional housing where...additional housing will support local services such as schools or shops...particularly where the village has been identified as a local service centre in the development plan...additional houses are to meet local needs such as affordable housing..... will help secure a mixed and balanced community and can be designed sympathetically in character with the village using such techniques as village design statements*"

Prior to the last Committee meeting the Director of Housing (as was), was asked to comment on the application from the perspective of local housing need. Due to staff absence and hospitalisation that reply was not received until mid-January. It is referred to under the Summary of Consultation Responses but Members will wish to note that the conclusion reached is twofold: first, no *current* need for social housing has been identified in the Village Need Survey; and secondly, that although there may be issues that require a long term view, *the pursuit of social housing is not practical at this point in time.*

### Relationship to National Policy

Notwithstanding the changes to the application site, the related changes in numbers, mix and tenure of dwellings that are proposed, and the issue of landscape intrusion/impact, Members should also have particular regard, when considering the application, to the provisions of the *Interim Housing Policy Statement* (Report EN.

## SCHEDULE A: Applications with Recommendation

02/0196

120/02) that the Executive approved on 28th October and this Committee adopted at the meeting held on 15th November.

It will be recalled that the *Interim Statement* was prepared as a policy tool to guide the Committee when dealing with applications for housing development, particularly in respect of rural sites, and sought to integrate the adopted provisions of the District Local Plan with the more recent advice contained within PPG3: Housing which, it will be recalled, advocates greater concentration in urban centres including a higher dependence on re-cycled land i.e. brownfield sites.

That issue, in general, was referred to extensively in the observations made by the CPRE in response to consultation on the application when first received. In essence, CPRE contend that the applicants have not demonstrated a "need" for the development such as to warrant the release of an unallocated greenfield site given the urban emphasis within the PPG and current housing land supply within the District. They believe that sites for development need to be justified under the local plan regime and that windfall sites should be on previously developed (brownfield) land with no allowance for greenfield windfall sites. Their assessment of housing land requirements and supply lead them to conclude that the development should not be permitted and they maintain that there is an over-supply of housing land within the rural area.

That initial response also drew attention to the need for LPA's, as required by PPG3, to review their land allocations within adopted Local Plans in the light of the PPG note. This had, hitherto, not been done in respect of the District Local Plan and its provisions.

The CPRE pointed out that such reviews should facilitate the attainment of higher density development (to make better use of land) than the District Plan currently expects. Thus, there would be, in the CPRE view, even greater use able to be made of allocated sites with much less justification being able to be made for release of greenfield sites. The CPRE refer to support from Appeal decisions in relation to housing applications elsewhere in the country where issues of local plan review (having regard to PPG3) were material factors in dismissing the proposals.

It will be recalled that the assessment carried out as part of the statement is a response to that need as identified in PPG3: Housing for LPA's to review their adopted policy provision in the light of advice within the Guidance Note. Moreover, it has allowed a thorough evaluation of the criticisms levelled in respect of housing proposals for sites in the Council's rural areas that there is no need for other consents to be issued since there is both a surplus of approved sites and a development rate in the rural area that is greater than planned.

The review has confirmed that the latter factors, combined with the uncertainty of the major urban housing allocation at Morton due to the "call-in" of planning applications for that area, has led to an imbalance between the amount of "urban" housing completions and those in the "rural" area, contrary to the urban emphasis of PPG3 and the District Plan itself. In summary new dwelling units in the rural area represents 38% of the total number of housing completions, whereas the District Plan target is 30%. Measured over the 15 year lifetime of the District Plan, of which

## SCHEDULE A: Applications with Recommendation

02/0196

73% has lapsed, 79% of the rural target for the lifetime of the Plan has already been met but only 55% has been provided of the urban target for the equivalent period. In practical terms this translates, at this point in the plan period, to an over-supply of 125 units in the rural area and an under supply in the urban area of 850 units. Similarly, the aggregate of outstanding units with planning permission and the number of completions that have taken place in the rural area since 1991 (the start of the plan period) would suggest that by 2006 there is a potential over supply in the rural area of circa 130 units compared to the District Plan requirement.

Historical trends indicate, however, that not all outstanding consents are likely to be implemented while other units which do come to be built will, in some instances, happen beyond the end of the plan period (2006). Some currently outstanding consents will come forward for renewal as they "expire" and those will need to be re-assessed against adopted planning policy as it applies at that time. That will necessitate the Council being more circumspect when considering such applications to ensure that they meet the "thrust" of PPG3 (as a material consideration) and would suggest that not all sites will be renewed.

The *Interim Housing Policy Statement* recognises, in accord with advice in PPG3, that it is important to maintain a supply of housing in the District. This should obviously include some element of rural provision. Nonetheless, in order to properly guide such development, and again in line with the "sustainable" emphasis of the District Plan and PPG, it is imperative that a policy mechanism is adopted to more closely control the supply of housing not merely in quantitative terms but also in locational terms.

With regard to the latter objective, it has become increasingly apparent that the criteria based approach within Policy H5 of the District Plan, whilst still having merit in the larger villages that have a significant service role, is no longer a relevant or appropriate tool in many of the other rural settlements to which H5 has hitherto applied. In simple terms, a great many of the District's rural settlements lack any form of community or social facilities upon which to focus new development opportunities in a "sustainable" way while their overall rurality would mean increased vehicle movements and related travel patterns to even most basic amenities or facilities e.g. children to primary school, trips to the Post Office, church etc.

It is clear, therefore, that new development opportunities in the rural area should be focussed on those settlements that display the greatest range of facilities and amenities and thus fulfill a rural service centre role. Attributes that such settlements would possess would range from a village shop and/or post office, public house, school, village hall, church, garage/filling station, perhaps a local employment centre together with public transport connections. Clearly, in an essentially rural District like Carlisle not all settlements will possess the full range. Nonetheless, those villages that display a significant number of such facilities would logically be in the higher order of settlements where future development of appropriate scale should, ideally, be directed. While it is unlikely that these villages would contain a significant element of brownfield land, their service level would over-ride the need for all sites to be brownfield. The corollary to that, of course, is that if *only* brownfield land was to be utilised, there would be very little housing land in the rural area.

## SCHEDULE A: Applications with Recommendation

02/0196

That approach is advocated within the revised PPG3. The GONW response to consultation on the *Interim Housing Policy Statement* supports the principle of identifying "settlements where development is considered to be more sustainable" in the interests of clarity and certainty but observes that it will be increasingly necessary to monitor how the policy is implemented and what might be done if the level of demand becomes problematic.

There is, of course, also a fundamental proviso to that strategy and that is the availability of suitable sites. Some settlements that possess a school or church or village hall may possess little else and may simply not have a site that could be developed without extending into open countryside or areas of landscape significance or would fail to knit within the structure or form of the settlement.

With regard to the current application, Members will recognise that the site is within the village centre and is contained by established and well defined boundaries such that there is no opportunity for its extension beyond those boundaries. There is no question that Castle Carrock continues to fulfill the service role the Carlisle Settlement Policy identified almost 25 years ago since it possesses a school, church, village shop/post office, two public houses, a village hall and has a bus service.

Development within Castle Carrock is thus consistent with the objective of the *Interim Housing Policy Statement* that any additional new residential development should be provided within the larger rural villages that perform a service centre role. Nonetheless, Members will recognise that given the overall housing land provision, where in District terms the Council is achieving Structure Plan targets but in rural area terms has a current over supply, the scale and pace of release of additional housing sites in the rural area must be controlled, even where it is proposed in the rural service centre villages.

The adopted Interim Housing Policy Statement with regard to Policy H5 advocates:

*"In implementing this policy, Officers will take into account the principles of PPG3 and references to rural housing in paragraphs 69-71. In order to reduce the rate of rural development and provide the urban emphasis of PPG3 proposals for small scale housing will be considered in settlements that have public transport and local facilities. Proposals for housing in settlements that have no public transport services will be considered to be inconsistent with the approach contained in PPG3. Proposals for significant rural housing development are not consistent with this policy. Renewal of outline planning permission will be considered against paragraph 40 of PPG3 in light of the implementation of this policy".*

To assist Members in making a judgement on this particular proposal, the pertinent sections of PPG3 referred to above are reproduced in the Schedule. Para 69 identifies that in overall i.e national housing terms only a limited amount of housing can be accommodated in expanded villages. While there may be a case in exceptional circumstances for a new settlement based on an existing village, most proposals for housing in villages will involve infill or peripheral expansion. The proposed site is clearly the first and not the second of those.



## SCHEDULE A: Applications with Recommendation

02/0196

Specific guidance on assessing the suitability of villages for *significant* additional housing is set out in para 70 and 3 "key" requirements are expected to be satisfied:

- it will support local services which could otherwise become unviable, particularly where the village fulfils a local service centre role;
- additional housing is required to meet local needs such as affordable housing and help secure a mixed and balanced community; and
- the development can be designed sympathetically and laid out in keeping with the character of the village using techniques such as village design statements

The word **significant** is emphasised above because that is a judgement that Members will have to make about the proposals before they should be assessing them against the above criteria. As Members know, both the Structure Plan and the District Local Plan make it clear that generally, in the context of housing proposals, *"20 dwellings or more will be considered large scale"*. The Reasons/Explanations to Policy H5 nonetheless recognises that what constitutes large and small scale will vary from settlement to settlement and there is, consequently, an issue of subjective judgement to be applied. In Officers' view, 16 "new" dwellings in an existing settlement of 129 households (those the Parish Council canvassed for opinions) is not "large scale" given the village's level of service role. That is, nonetheless, a matter of judgement that others may not share.

Clearly if Members take the view that the proposals are "large scale" in the context of the village, the application must be regarded as one of *significant additional housing* (PPG3 para 70) and then the 3 tests above are applied. In that different context it is apparent that whatever the value judgement that individuals make of merits of the design, layout, finishes, landscaped impact, etc. (criterion 3) the other two criteria must also be met.

Criterion 1 expects proposals to demonstrate that additional housing will support local services, such as schools or shops, which could become unviable without some modest growth. That is clearly not the case: indeed, on the basis of information supplied on behalf of the Education Authority there is no issue of failing school rolls:

*"Currently Castle Carrock Primary School is full with 91 pupils on roll (plus 11 part time nursery age pupils) and an assessed capacity of 91. The school is popular and likely to remain so. Even without taking in children from outside its catchment area, the pupil numbers (excluding the nursery) are likely to stay above 85 in the next few years. That prediction is based on detailed knowledge of pupils living in the area under school age and I would be highly surprised if it is too far from the actual in due course with the probability of it being higher rather than lower. The next nearest primary schools are at Brampton, Hayton and Hallbankgate all some distance (all over 3 miles) from Castle Carrock School.*

*The area is served by William Howard Secondary School which is currently full but recent building work means there are available places for those living in the school's catchment area including Castle Carrock".*

## SCHEDULE A: Applications with Recommendation

02/0196

There is no information to suggest that any other local services are under threat although the reasons for current closure of one village pub are unknown.

In conclusion, Criterion 1 of para 70 cannot support the proposals.

In the light of the response of the Council's Strategic Housing unit to the issue of the proposed social housing, however, it is evident that a case is not able to be made for the development on the basis of meeting a *need* as none is supported. Thus criterion 2 is also not satisfied.

Even if Members support the view that the proposals are not *significant* and judgement falls back on the criteria set out in Policy H5, there is clearly an issue of assessing the 7 relevant criteria under that policy. Some of those require a subjective assessment to be made and it is inevitable that a difference of view may be taken concerning compliance or non-compliance with those criteria e.g. 2, 3 and 6 (and related Policy E50).

In conclusion, Officers have made a recommendation that the proposals currently before the Committee could be approved (subject to the attainment of an Agreement under S106) on the grounds that H5, as modified by the Interim Policy Statement, continues to place emphasis on small scale new rural housing in suitable villages with a service role. That is indisputable. The policy does not place an embargo on rural housing per se whether others think it should or shouldn't. No definition of *significant* has been provided to help LPA's so all that we have to help us is the definition in the District Plan and Structure Plan. It is also pertinent that in dealing with the appeal at Scotby House the Inspector did not dismiss the appeal for new housing because of para 70 of PPG3's 3 criteria: she did not even consider the application against them. That was for a development of 30 housing units which suggests that even though it was in relation to a larger village that level of development was not regarded in PPG3 terms as *significant*.

Similarly, Officers do not regard the field as constituting such an important amenity space as to warrant conservation from development e.g. it is not a *village green, orchard or mature garden which make a significant contribution to the character of the settlement*" as referred to in para 4.43 of the District Plan or any of the other examples referred to under the Reasons/Explanations to Policy E50.

It is, therefore, recommended that if Members concur with this view the application is approved but that prior to the release of planning permission the applicant is required to enter into a S106 Agreement that would cover the following matters:

1. The provision of the 4 no. 2 bed houses as *local need, low cost units*
2. The basis on which an *affordable* rent would be established and protected
3. The definition of *qualification as occupants to ensure these units met local need*. In that regard Members will recall that this would initially be residents or dependents of residents of the Parish; the next tranche (if not all units were let) would extend to the adjacent Parishes; and finally (if still not all let) the whole of the Council's administrative area
4. The *phasing of the development of the site* over a period of time so that it

## SCHEDULE A: Applications with Recommendation

02/0196

did not result in the whole of the site being developed at the outset but progressively released it in stages consistent with rural housing land targets.

### The Article 14 Direction

Members will recall that when the application was reported to Committee in June, Officers advised that the GONW had issued an Article 14 Direction. The effect of such a Direction is that the Local Planning Authority is precluded from granting planning permission for a development to which the Direction relates *without special authorisation*.

Consequently, if the City Council accepts the above recommendation it is necessary for the application to be referred to GONW with the indication that *the Council is minded to grant planning permission*. GONW will then consider the basis on which the Council wishes to take that action and may either decide to return the application to the Council for determination or may *call-in* the application for consideration at a Public Inquiry.

### Informative Notes to Committee:

#### 1. Section 106 contents to be agreed by Committee

In view of the nature of the proposal and the planning issues raised, it is recommended that Officers be authorised to discuss with the applicant(s) the possibility of securing a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990, to ensure that relevant matters, unable to be dealt simply by way of planning conditions, can be addressed and linked with the planning application. It is advised that the form and content of such legal agreement as may be able to be secured is brought back before the Committee for formal consideration prior to the determination of the planning application.

---

### Human Rights Act 1998

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

## **SCHEDULE A: Applications with Recommendation**

02/0196

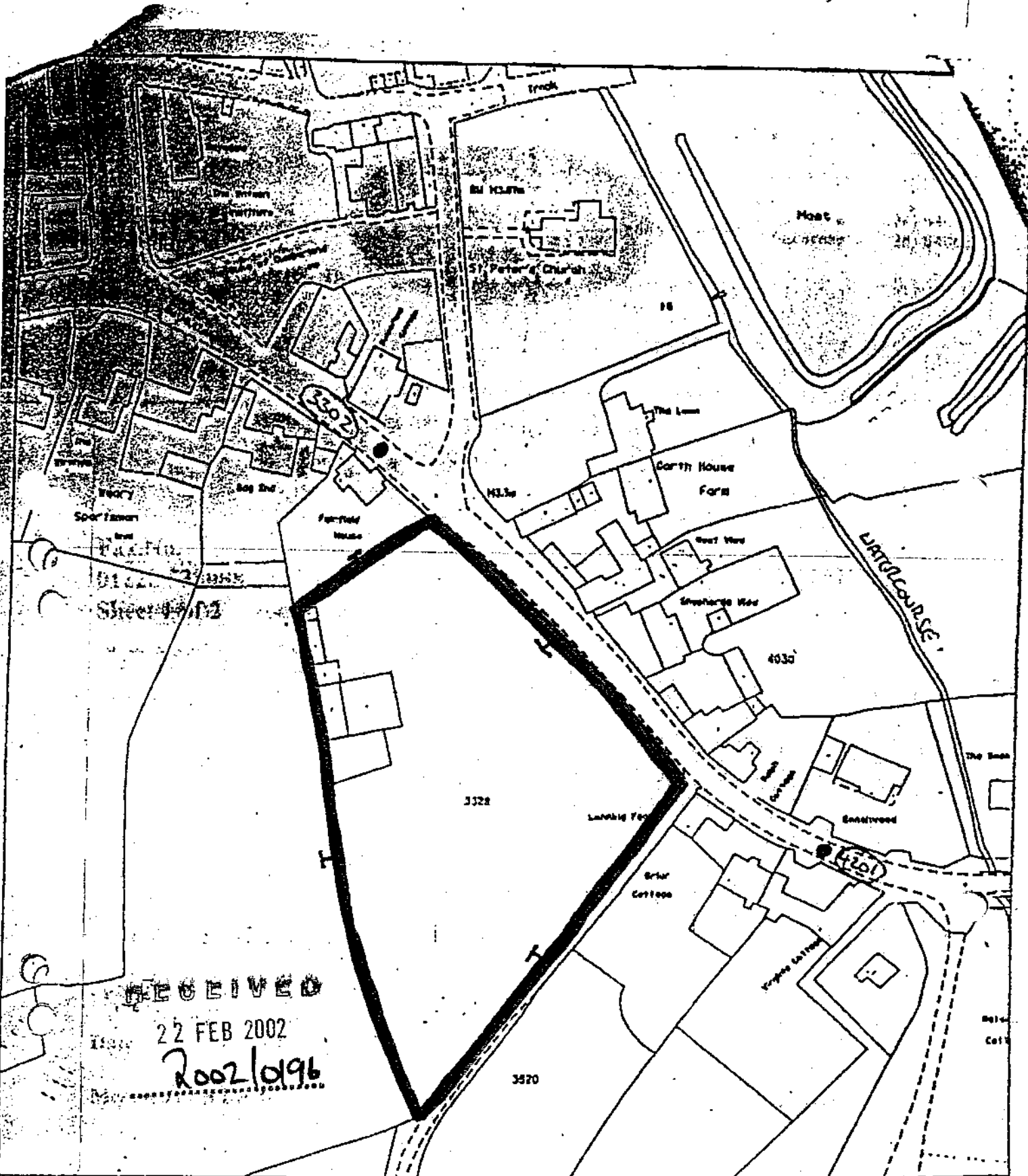
**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

It is not considered that the proposals would result in an adverse impact such as to seriously prejudice any individual or family's rights under the provisions of the Act.

---

**Recommendation:** Grant Permission

---



RECEIVED  
 22 FEB 2002  
 2002/0196

Cumbria County Council  
 The Map Room

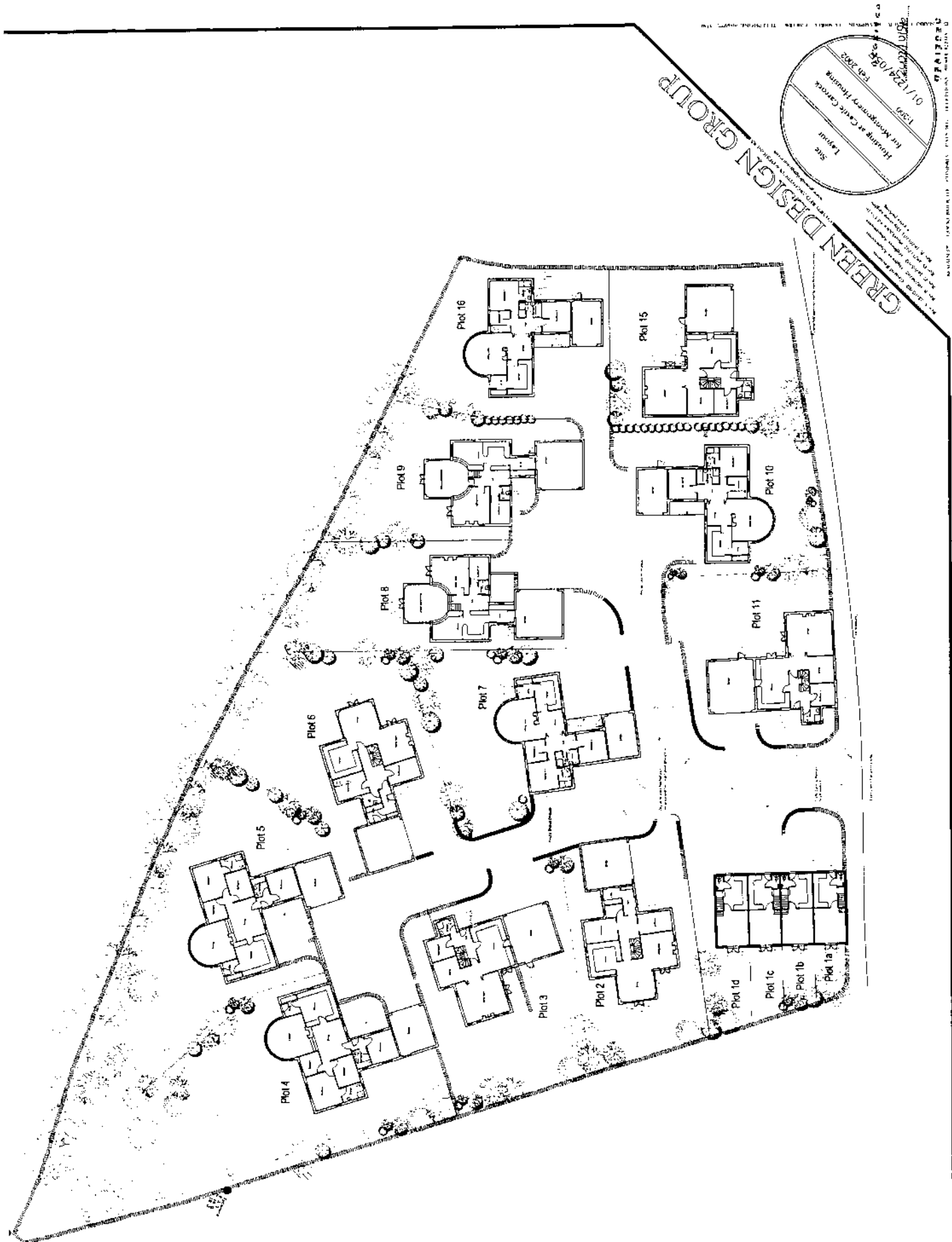
Scale 1:250 E:354220 Date:15-11-2001  
 O.S.:NY5455 N:555180 Operator:DF

Building & Design  
 15 Portland Square  
 Carlisle  
 CA1 100  
 Tel: 01228 60618  
 Fax: 01228 606066



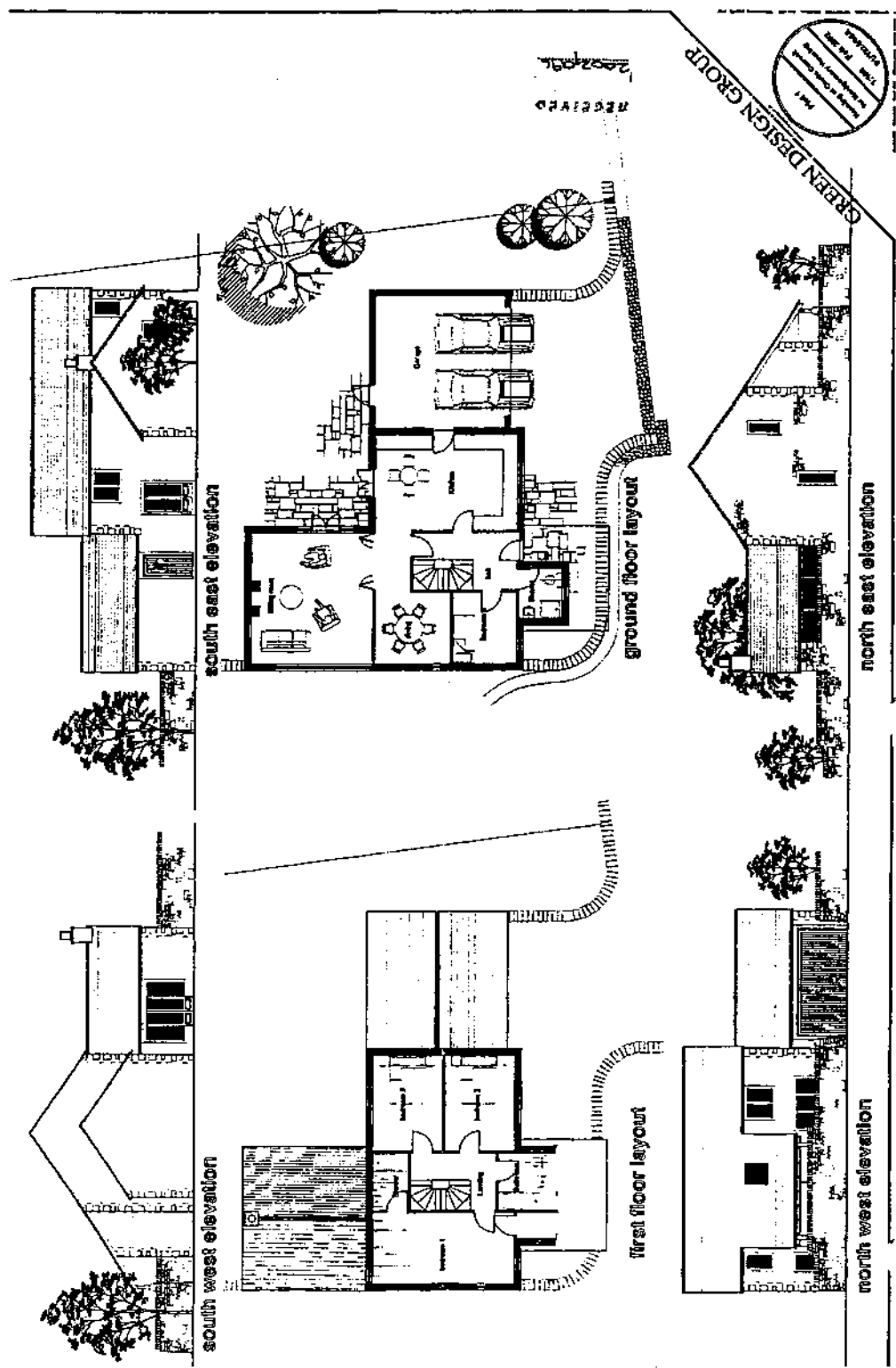
POTENTIAL RESIDENTIAL  
 DEVELOPMENT SITE

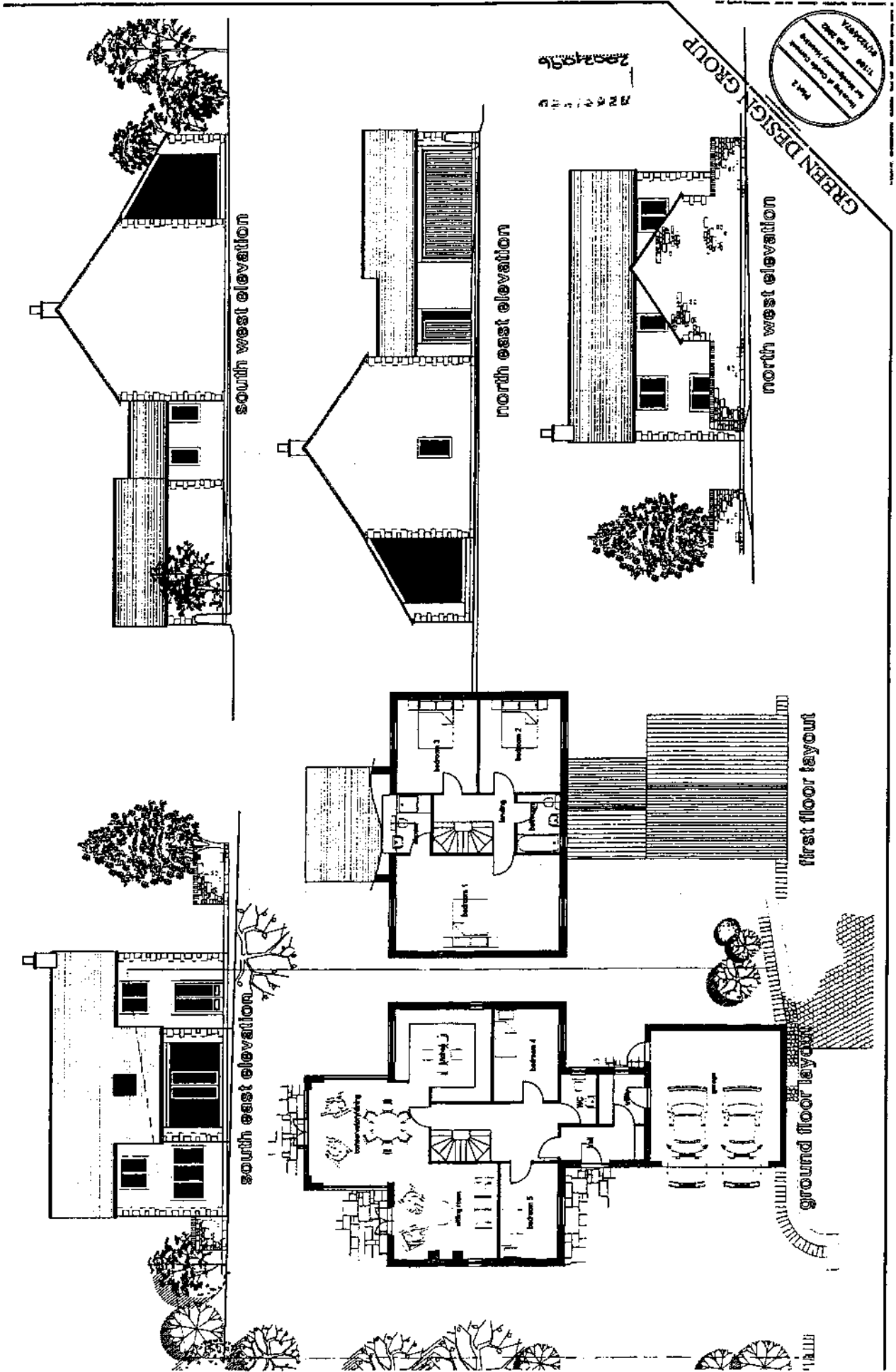
CASTLE CARROCK, CARLISLE



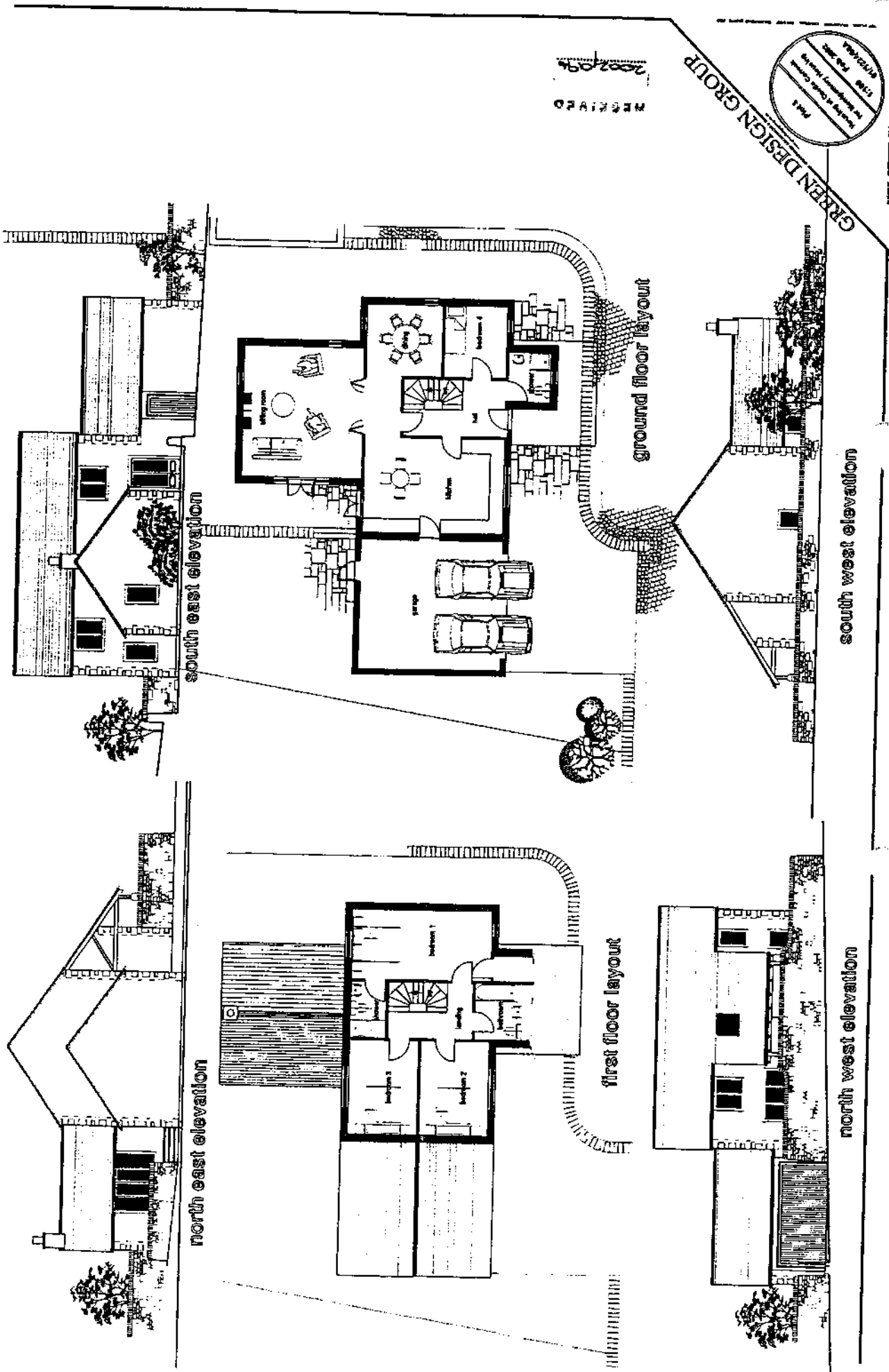
**GREEN DESIGN GROUP**

Site  
 Layout  
 Housing at Castle Grounds  
 for Montgomery Housing  
 01/1224/038  
 1209  
 01/1224/038  
 1209





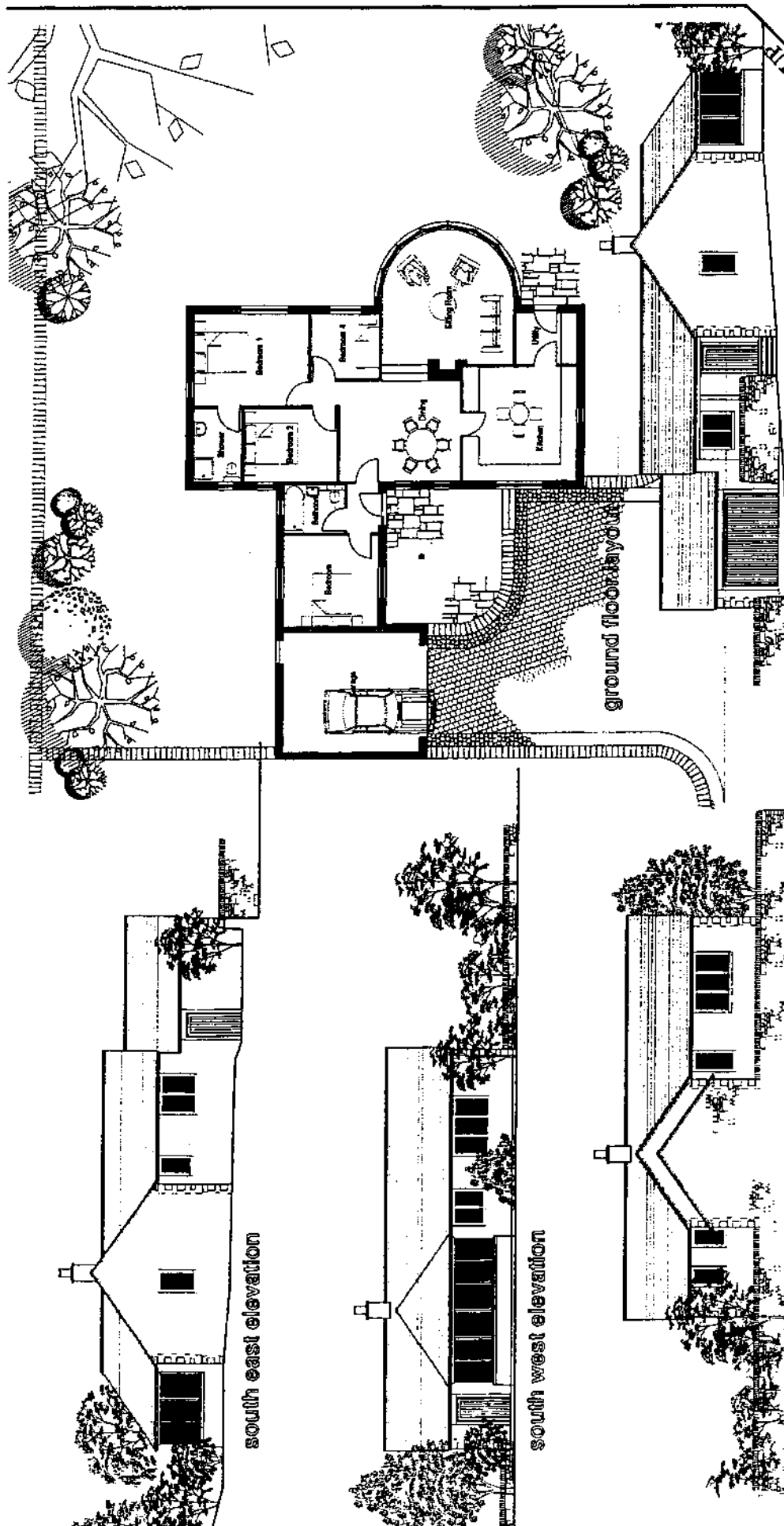




Part 1  
 Planning & Design Group  
 1710 10th Ave  
 Phoenix, AZ 85009

GREEN DESIGN GROUP

RECEIVED  
 02/27/09



11111111  
 11111111

north west elevation

north east elevation

south east elevation

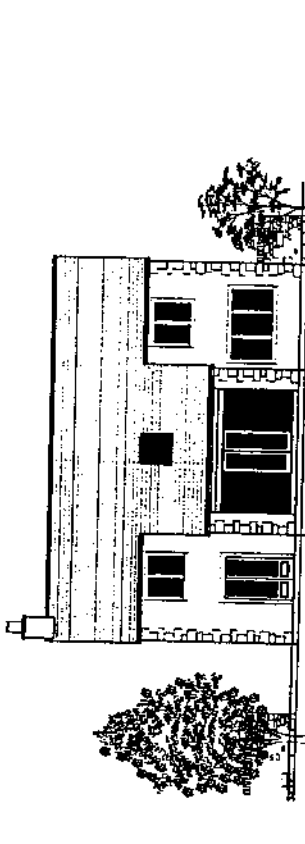
south west elevation

ground floor layout

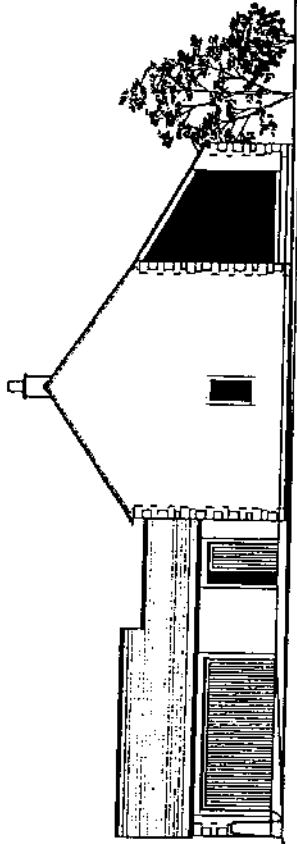


GREEN DESIGN GROUP

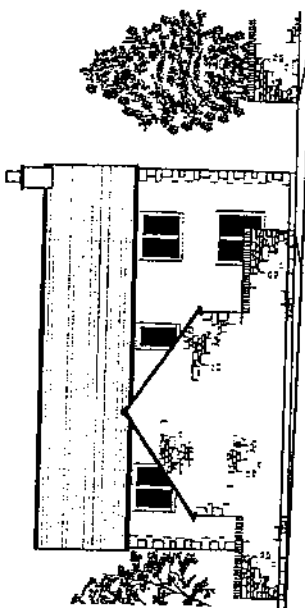
2002/09/14  
11:00 AM



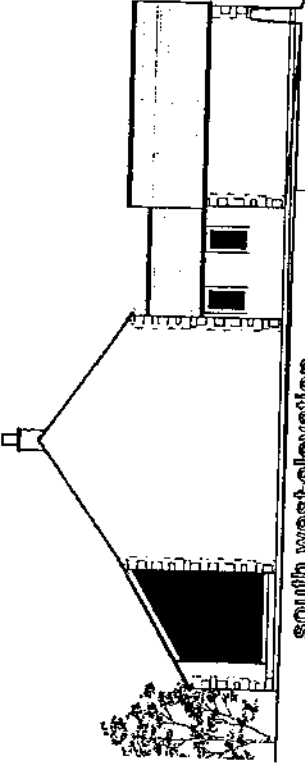
north west elevation



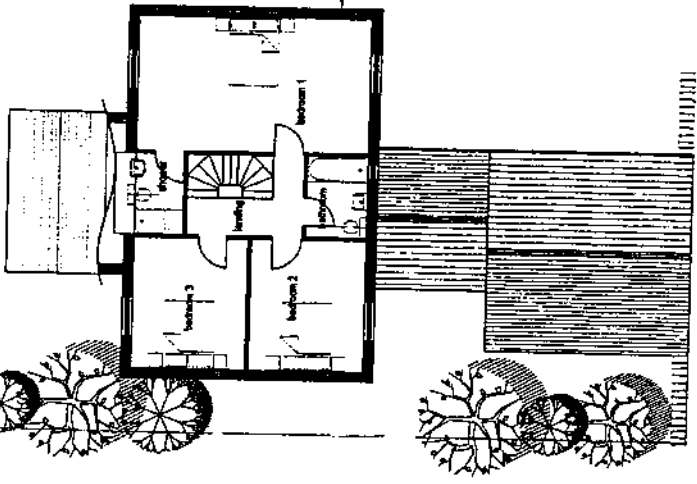
north east elevation



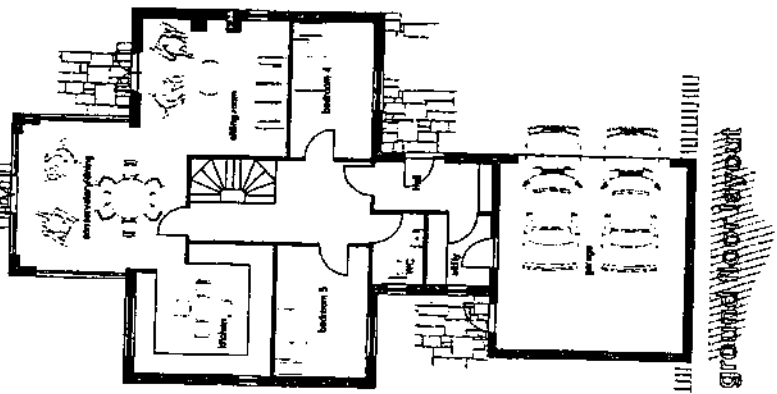
south east elevation



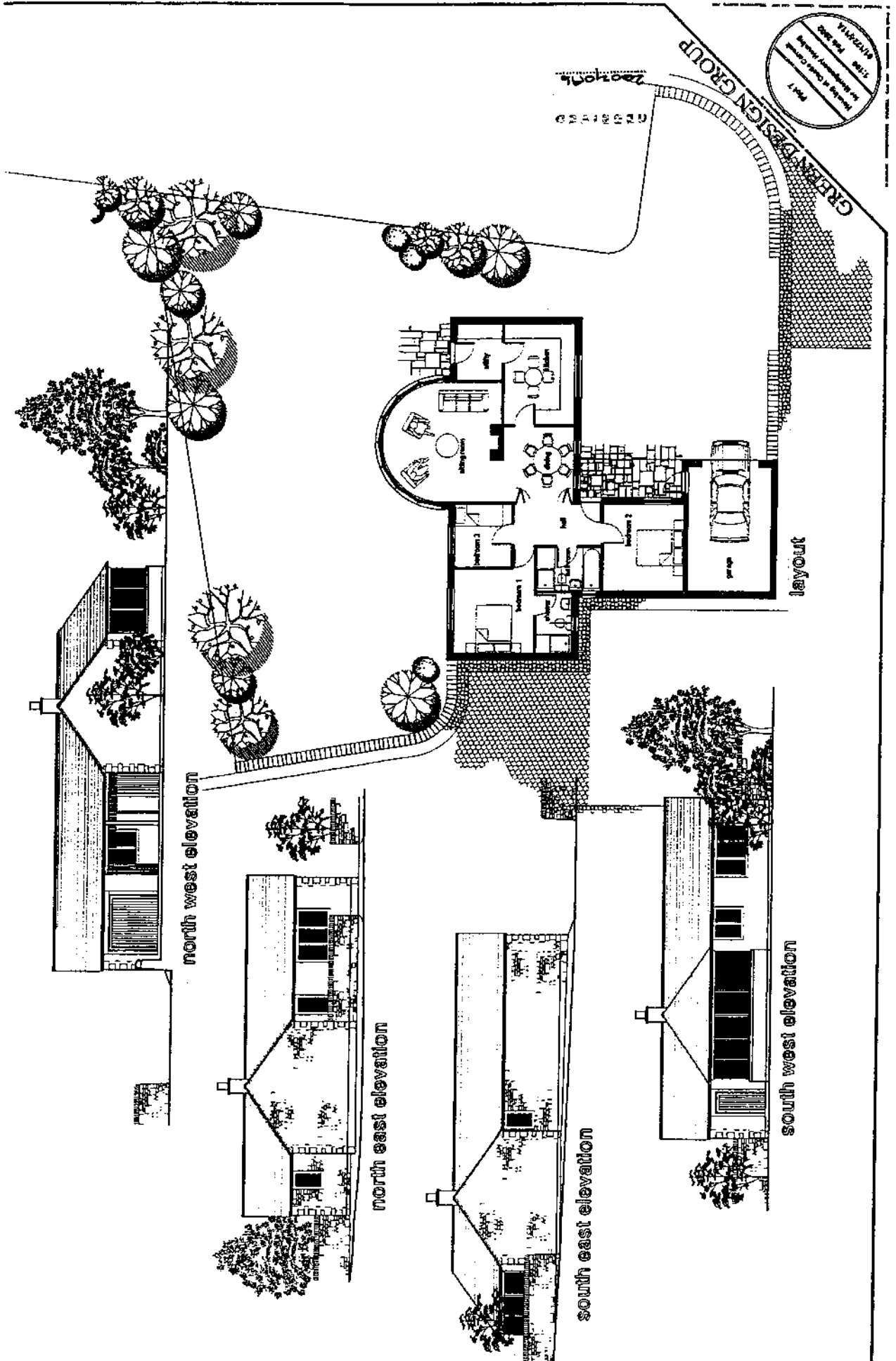
south west elevation



first floor layout

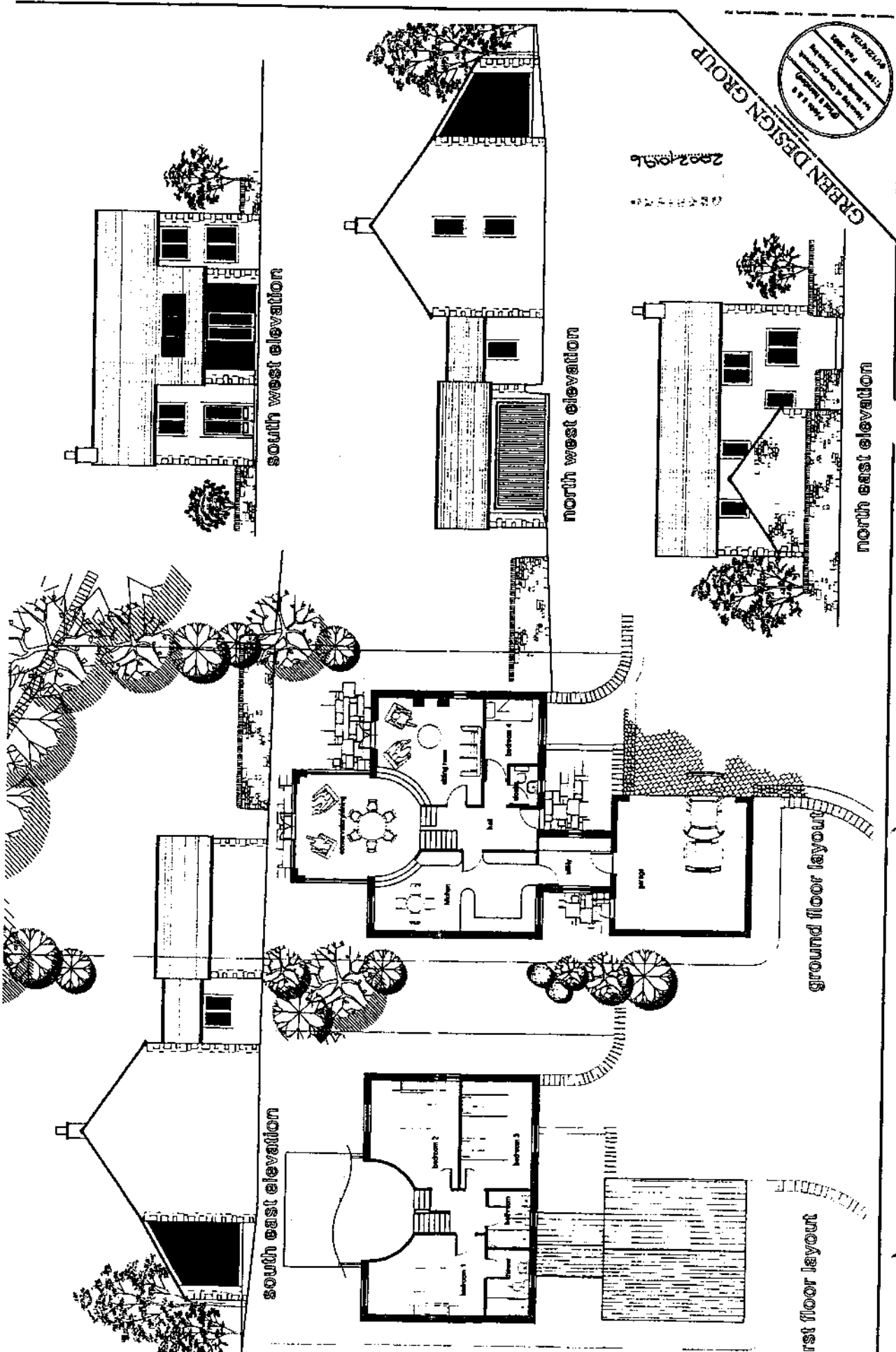


ground floor layout





GREEN DESIGN GROUP



south west elevation

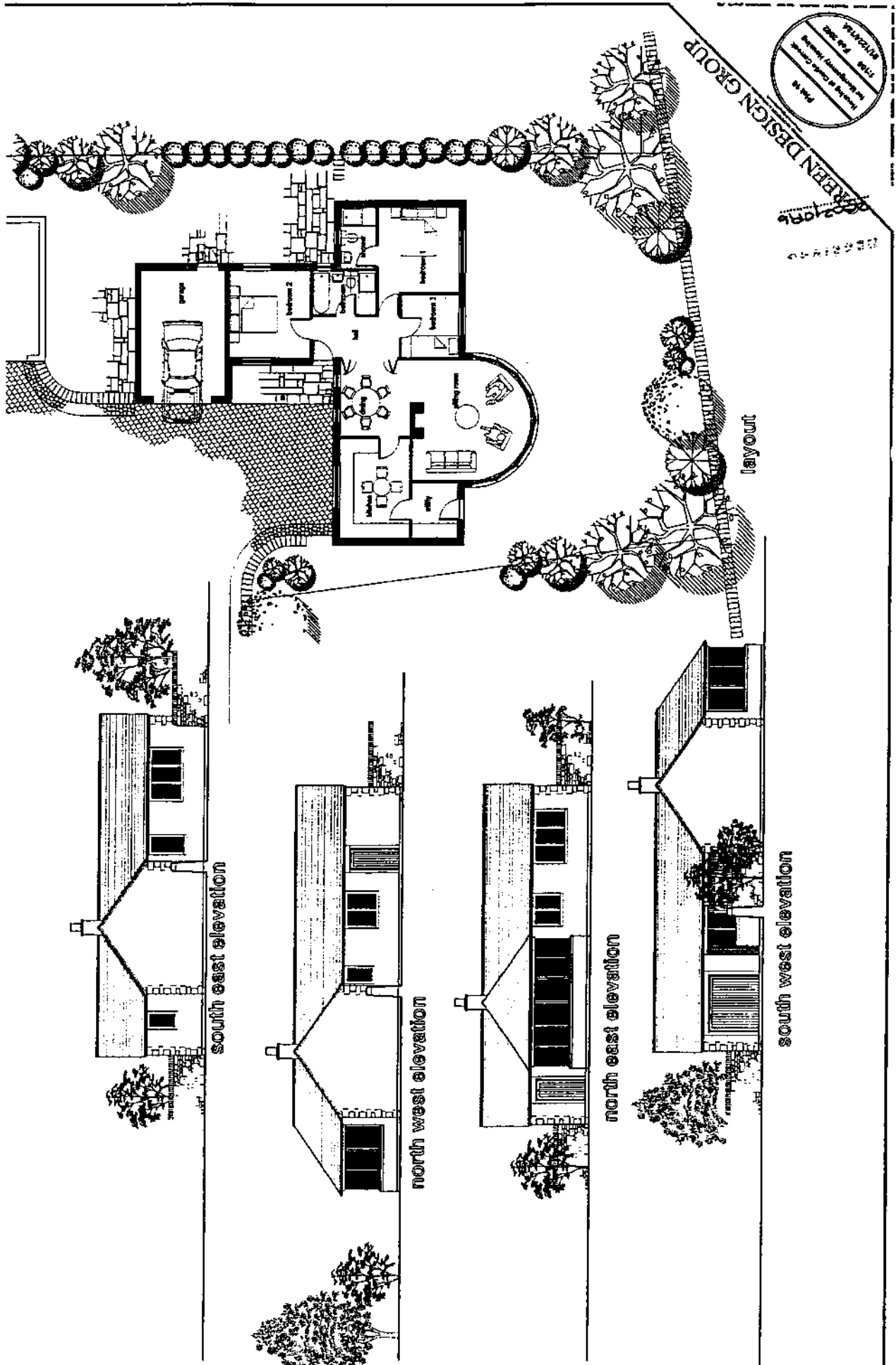
north west elevation

north east elevation

south east elevation

ground floor layout

first floor layout



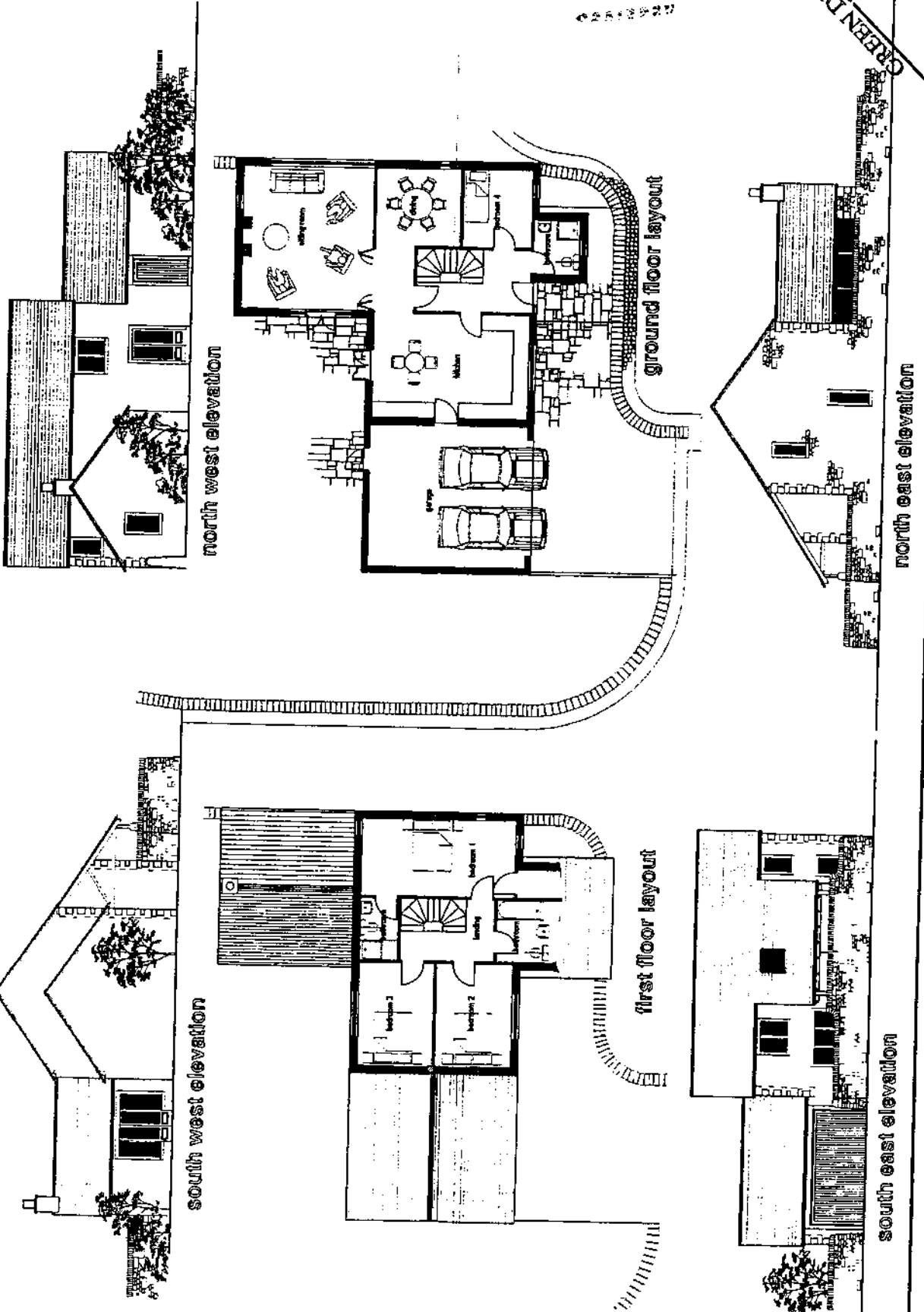
PROJECT NO. 100-1000  
 DATE: 10/10/99  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

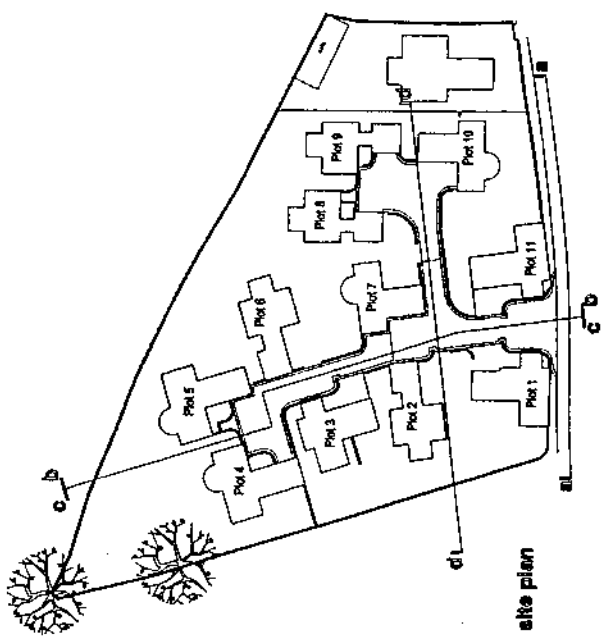
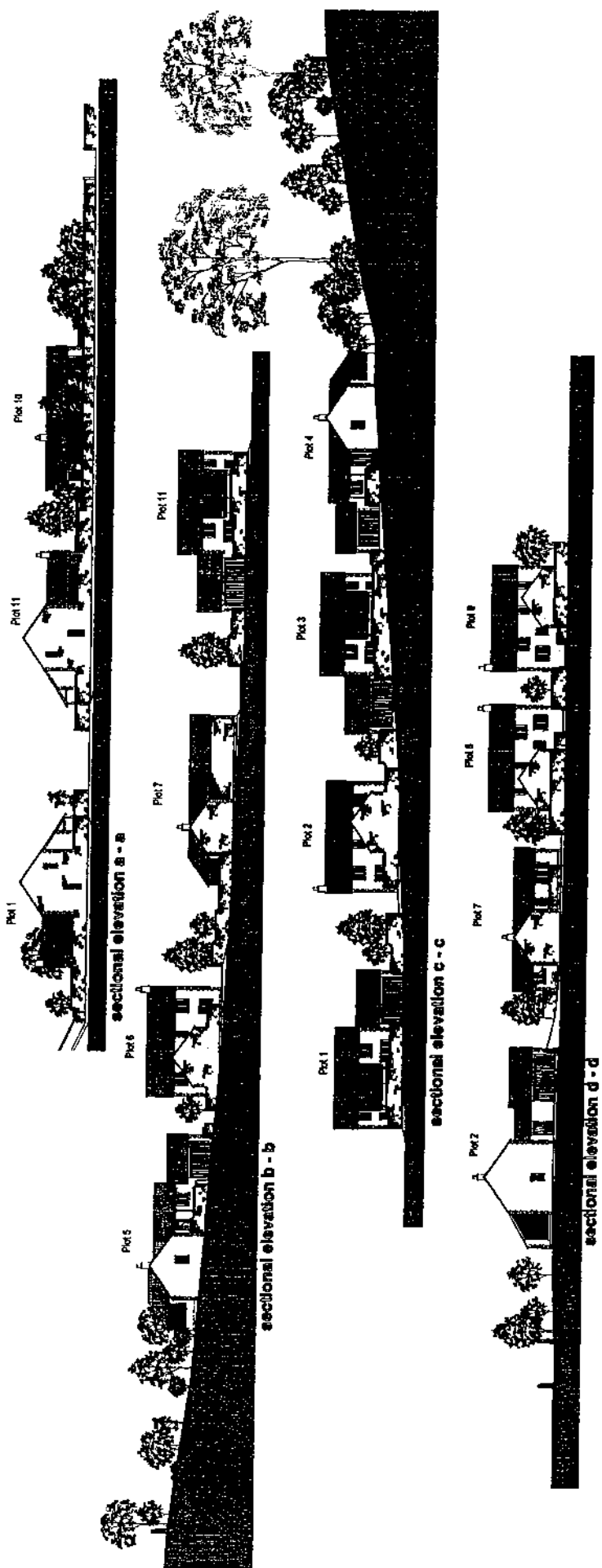
GREEN DESIGN GROUP  
 100-1000



GREEN DESIGN GROUP

2002-2009





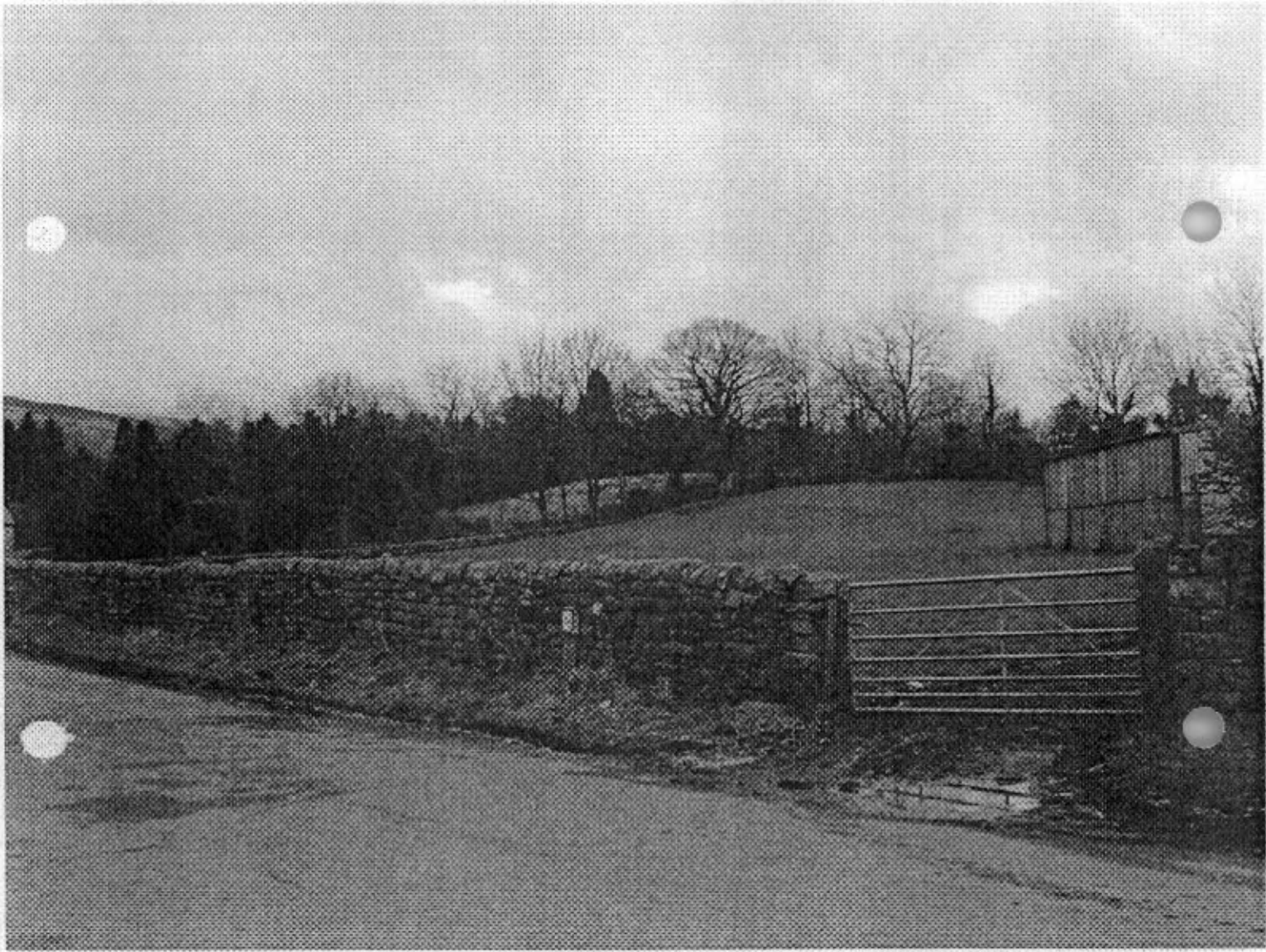
**GREEN DESIGN GROUP**

2009 Zepeda  
DESIGN

Sectional Elevation  
& Site Plan  
for Montgomery Housing  
1200 & 1208  
01/22/15

GREEN DESIGN GROUP

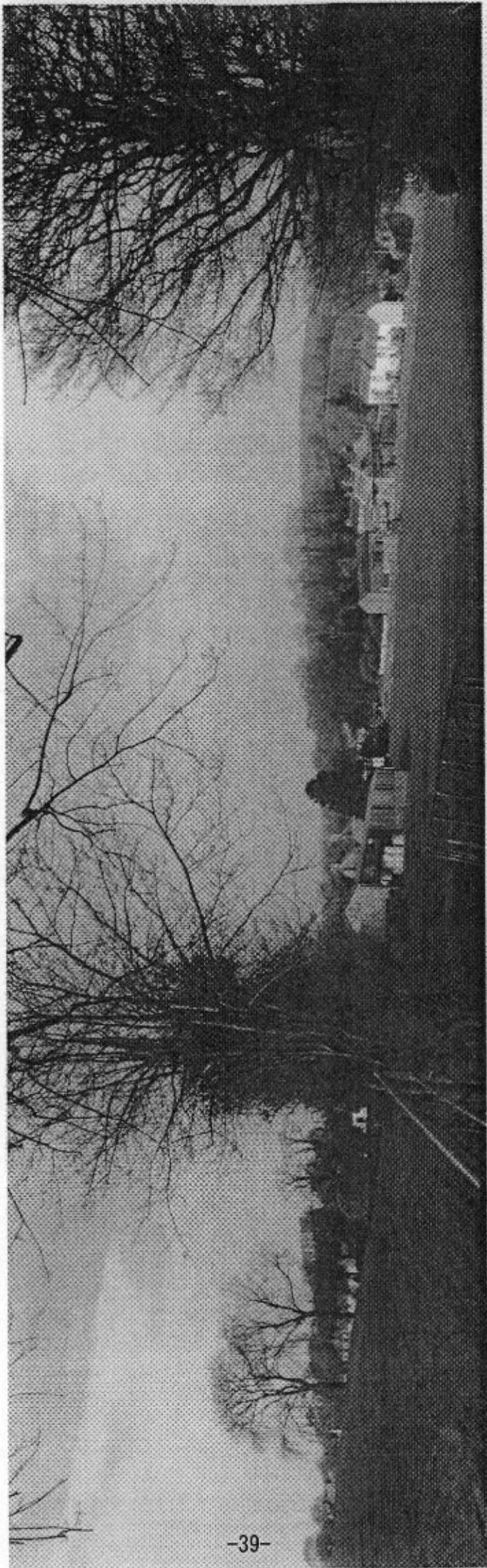








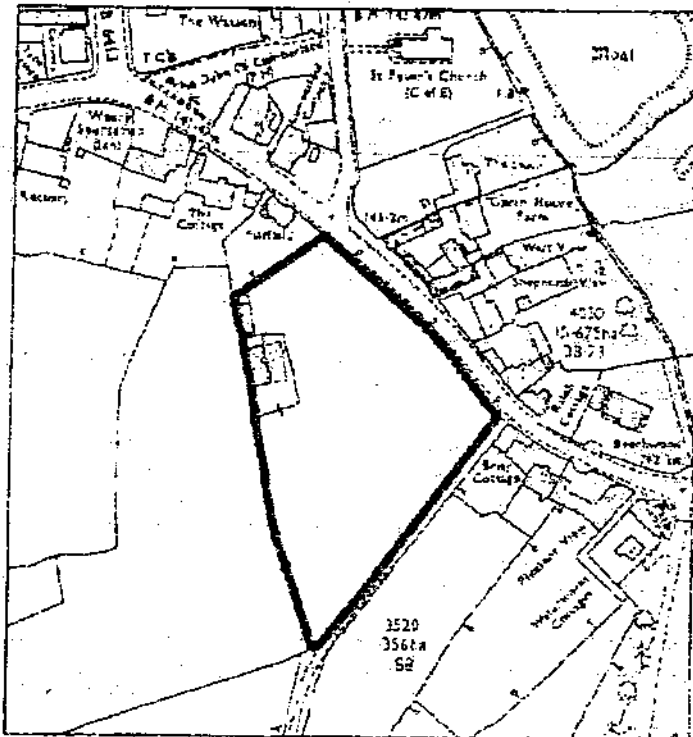




# for sale

**FOR SALE BY SEALED OFFER**

**Land at Castle Carrock, Carlisle  
0.761 Hectares (1.88 Acres) or therabouts**



**Potential residential development site  
(subject to formal approval)**

- Exceptional site near village centre
- Public road frontage
- Popular village with Primary School, Church, Public Houses
- Approximately 10 miles east of Carlisle and 4 miles south of Brampton
- Offers invited in the region of £300,000
- Closing date for receipt of offers 12 noon  
Wednesday 19 December 2001



Capita DJS  
Director, David Cox  
Clint Mill, Cernmarket,  
Penrith CA11 7HP  
Tel: (01768) 242322  
Fax: (01768) 242321  
Minicom (01228) 606336

**PROPERTTY**

**POTENTIAL RESIDENTIAL DEVELOPMENT SITE  
CASTLE CARROCK, CARLISLE**

<b>Situation</b>	<p>Castle Carrock Village is situated on the B6413 road about 4 miles south of Brampton and about 10 miles east of Carlisle.</p> <p>It is a popular village within commuting distance from Carlisle, and with a Primary School, Post Office, Church and two Public Houses. There are secondary schools in Carlisle and Brampton, together with shopping and leisure facilities.</p>
<b>Description</b>	<p>The land offered for sale comprises OS 3328 extending to 1.88 acres (0.761 hectares) or thereabouts. It is shown edged by a thick black line on the attached plan and is located adjacent to the public road just to the south east of the centre of the village.</p> <p>The land is bounded by dry stone walls on the north east and south east boundaries (to the public road and an unmade track respectively), by a hedge with trees and then open fields to the west and by a private house garden to the north west. The responsibility for boundary maintenance is shown by the usual inverted 'T' marks on the plan.</p> <p>OS 3328 was formerly part of Garth House Farm, opposite, now no longer a working farm.</p>
<b>Existing Buildings</b>	<p>The existing buildings on the land comprise a small steel framed hay barn with a lean-to. The vendor reserves the right to remove this building. There is an additional disused small timber building adjacent.</p>
<b>Tenure</b>	<p>Freehold with the benefit of vacant possession on completion.</p>
<b>Vendor</b>	<p>The land is offered for sale on behalf of Cumbria County Council.</p>
<b>Planning</b>	<p>The Planning Services Division of Carlisle City Council, Civic Centre, Carlisle, CA3 8QG has advised that any proposed residential development of part of field OS 3328 should take account of the main points in terms of planning policy as set out on the attached Appendix to these particulars.</p> <p>The details in the Appendix are given without prejudice and is the opinion of the officers and although given in good faith, cannot be held binding on Members of the City Council's Planning and Land Use Sub Committee should a planning application be submitted for consideration. Any submitted planning application will be judged on its merits in accordance with the policies in the development plan and with regard to any relevant material considerations. Further advice on planning can be obtained from Chris Hardman at Carlisle City Council Planning Services - Tel 01228 817190.</p> <p>From the information provided by Carlisle City Planning Services it appears that the shortfall of open spaces within the village may be around 0.11 hectares (0.27 acres).</p>

This is the area calculated by CAPITA/dbs on the information provided but potential purchasers are advised to clarify the actual requirement with Carlisle City Council Planning Services.

### Services

It is understood that mains water, electricity and foul drainage are available in the vicinity of the site. Prospective purchasers should make their own enquiries of the relevant statutory undertakers as to the availability, capacity and cost of providing services prior to submitting an offer.

It is understood there is a manhole to the main foul sewer in the public highway at the north of the site near Fairfield and a natural watercourse crosses the public highway to the east of the site.

Further enquiries should be directed to

Surface Water Drainage	Environment Agency Penrith 40 Business Park Penrith Tel 08459 333111
------------------------	---

Foul Drainage	Carlisle City Council Civic Centre Carlisle CA3 8QL Tel 01228 817000
---------------	--

Electricity	United Utilities Drawing Office Nelson Street Denton Holme Carlisle CA2 5BJ Tel 01228 616419
-------------	--

Water	United Utilities Dawson House Liverpool Road Great Sankay Warrington Tel 01925 234000
-------	--

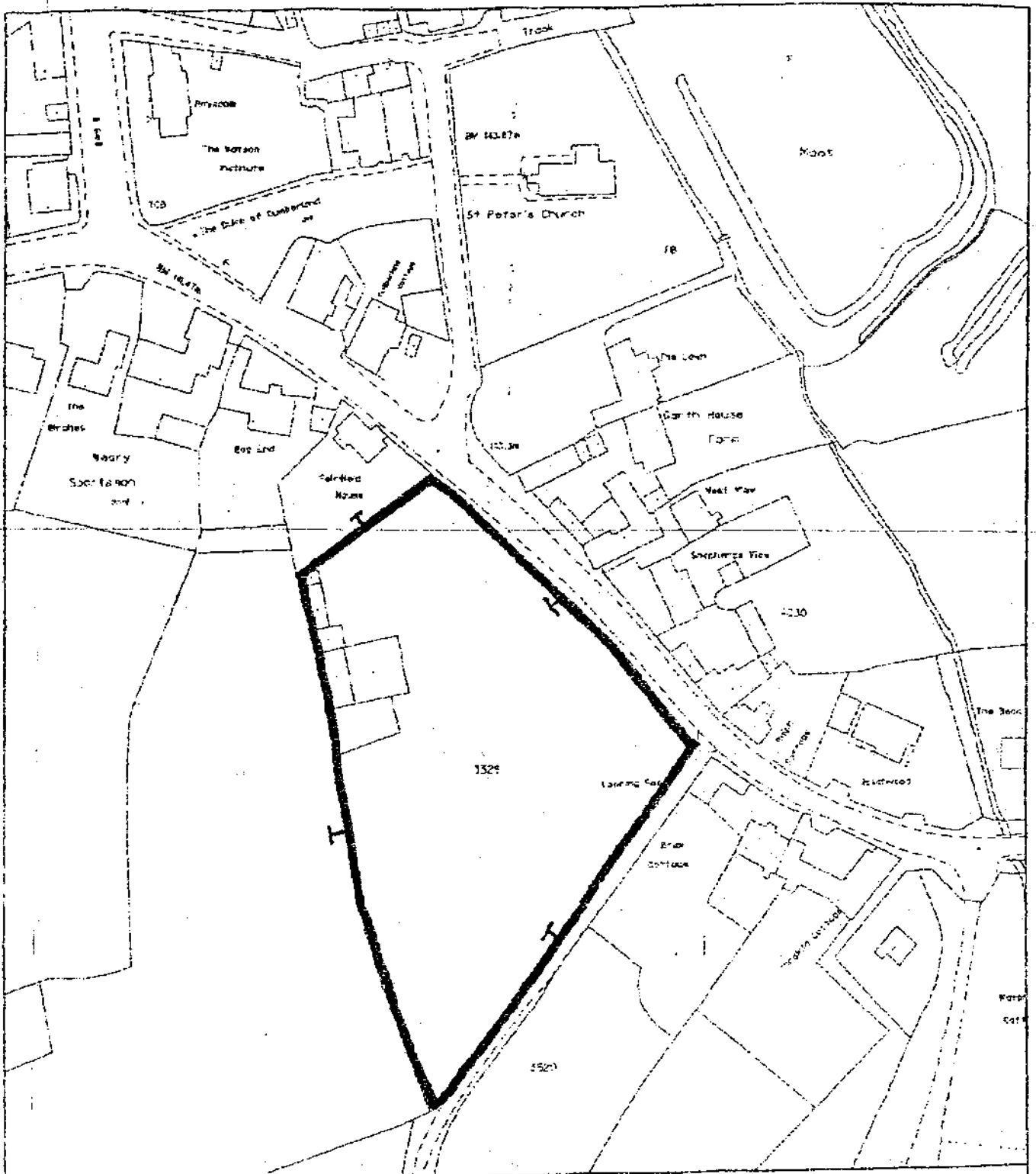
### Highways

It is understood accesses to the site will have to comply with the local Highway Authority's requirements. Enquiries can be made of:-

Geoff Cameron  
Development Control Technician  
Community Economy & Environment  
Citadel Chambers  
Carlisle  
CA3 8SG  
Tel 01228 606110

### Viewing

The site may be viewed from the highway.



Cumbria County Council  
The Map Room

Scale 1:250 E:354220 Date:15-11-2001  
O.S.:NY5455 N:555180 Operator:DF

Building & Design  
15 Portland Square  
Carlisle  
CA1 1DD  
Tel: 01228 606110  
Fax: 01228 606066



**POTENTIAL RESIDENTIAL  
DEVELOPMENT SITE**

**CASTLE CARROCK, CARLISLE**



# **Concordia College**

## **Design Summary for Carlisle District**



## **Countryside Design Summary for Carlisle District**

This document was adopted as Supplementary Planning Guidance by the City Council's Environment committee on 8 June 2000  
This followed a period of public consultation in April and May 2000



Planning Services  
Department of Environment and Development  
Carlisle City Council  
Civic Centre • Carlisle • CA3 8QG  
Telephone 01228 817190 Fax 01228 817199 Tynetalk 0800 95 95 98

# Contents

INTRODUCTION .....	1
Current Government Guidance on design .....	2
Local Plan Policy .....	3
Pre-application advice .....	4
Landscape .....	5
Settlement .....	6
Buildings .....	8
Contacts .....	11

# Introduction

This design guide gives advice on the design of new development in the countryside, and identifies those features which give different areas of the District their special character. It will be used, together with policies in Carlisle District Local Plan and other supplementary planning guidance, to assess planning applications for new development or conversions of buildings in the rural area.

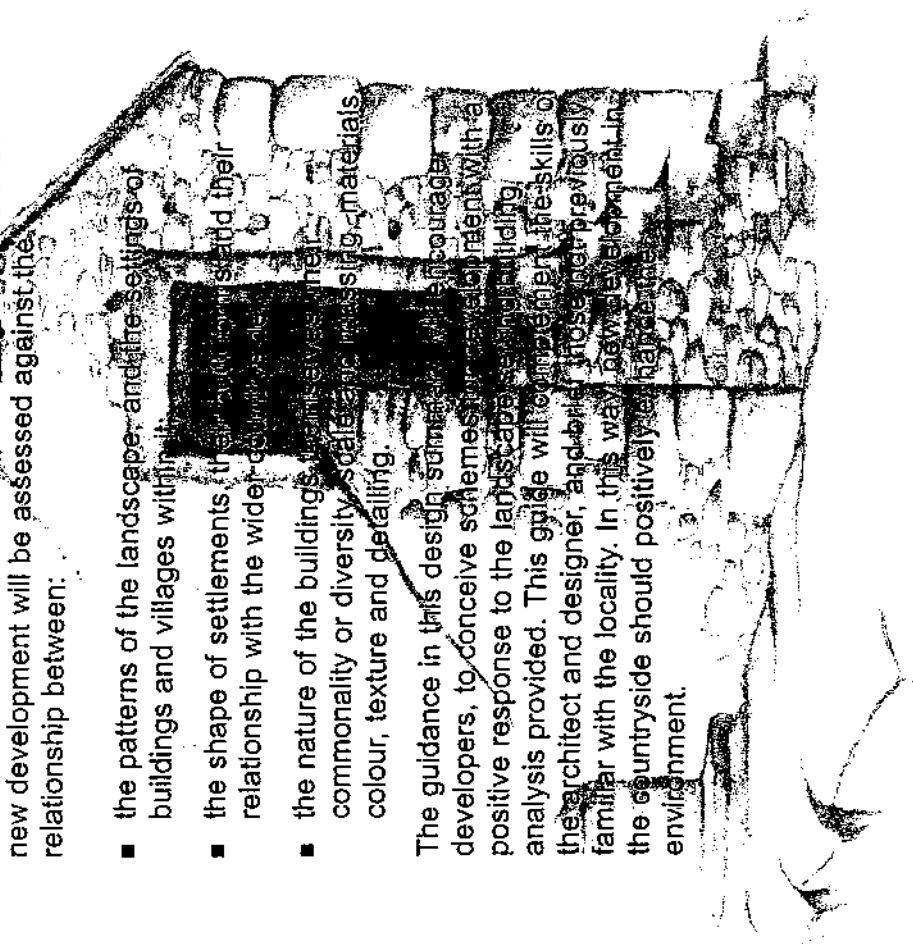
A dynamic and diverse countryside inevitably involves changes and new buildings. Well designed new development can be built within or on the periphery of many villages. New development is needed to provide places in which to live and work, maintain productive and efficient farming methods, boost local services and facilities and bring new life and business into the countryside.

The City Council believes that new development should help safeguard the distinct character and natural beauty of the landscape and villages which make up the countryside. However, achieving this poses special challenges, and the design summary is therefore intended to aid discussions between planners and developers prior to planning applications being submitted.

To achieve high quality design in new development requires a three tiered approach. It is important to consider not only the design of individual buildings, but also how new development will relate to the village or group of buildings in which it is to be located, and how it will relate to the wider landscape setting. Therefore all new development will be assessed against the relationship between:

- the patterns of the landscape, and the settings of buildings and villages within it;
- the shape of settlements, the way in which they add their relationship with the wider countryside;
- the nature of the buildings, the materials used, their commonality or diversity, scale, colour, texture and detailing.

The guidance in this design summary encourages developers, to conceive schemes for development with a positive response to the landscape setting. It encourages analysis provided. This guide will complement the skills of the architect and designer, and will be used by those not previously familiar with the locality. In this way, new development in the countryside should positively enhance the environment.



## Current Government Guidance on design

Government guidance on the treatment of design issues in the planning system is set out in Planning Policy Guidance notes, (PPGs). These notes set out the Government's policies on different aspects of planning. Local planning authorities must take their content in to account in preparing their development plans. The guidance may also be relevant to decisions on individual planning applications and appeals.

PPG 1 states that the appearance of proposed development and its relationship to its surroundings are material considerations in determining planning applications. The PPG emphasises that good design should be the aim of all involved in the development process, and should be encouraged everywhere.

Annex A of PPG 1 provides more detailed guidance. It states that applicants for planning permission should, as a minimum, provide a short written statement setting out the design principles adopted, as well as illustrative material in plan and elevation. This material should show the wider context and not just the development site and its immediately adjacent buildings.

PPG 3: *Housing*, requires developers to strive for good design, which is defined as having respect for the qualities of the local environment. With reference to rural areas, the PPG states:

Development should be of a high quality, and should be sensitive to its surroundings in terms of density, scale and appearance in their context.

PPG3: *Housing*

PPG 7: *The Countryside, Environmental Quality and Economic and Social Development*, states that new buildings in rural areas should contribute to a sense of local identity and regional diversity, and be of an appropriate design and scale for the location.

On the question of more modern designs, they should have proper regard to their surroundings in relation to both the immediate setting, and the defining characteristics of the wider local area, including local or traditional building materials and styles.

## Local Plan Policy

Carlisle District Local Plan contains a number of policies which relate to development in the rural area. Policy H5, makes provision for new housing within the majority of villages excluding very small hamlets which are subject to Policy H7. Policy H5 states the need to take account of the effect of new development on:

- the landscape of the area;
- the scale, form and character of the village;
- the layout of the site and design of the individual buildings.

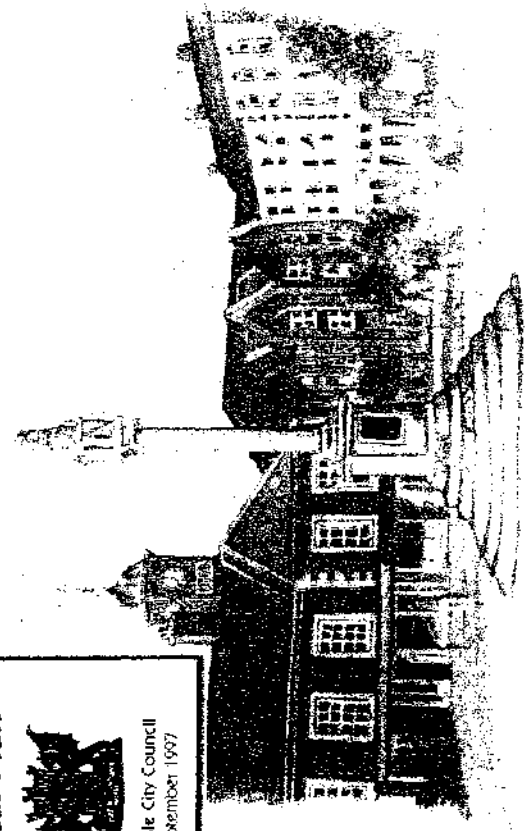
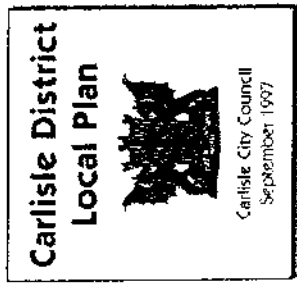
The importance of this three dimensional approach is reflected throughout this design summary.

Policy H7 makes provision for housing development in the remote rural area, defined on the Local Plan Proposals Map. This policy echoes the criteria in Policy H5, and recognises that the setting of new dwellings in relation to existing development and the landscape will be crucial factors in determining whether permission will be granted.

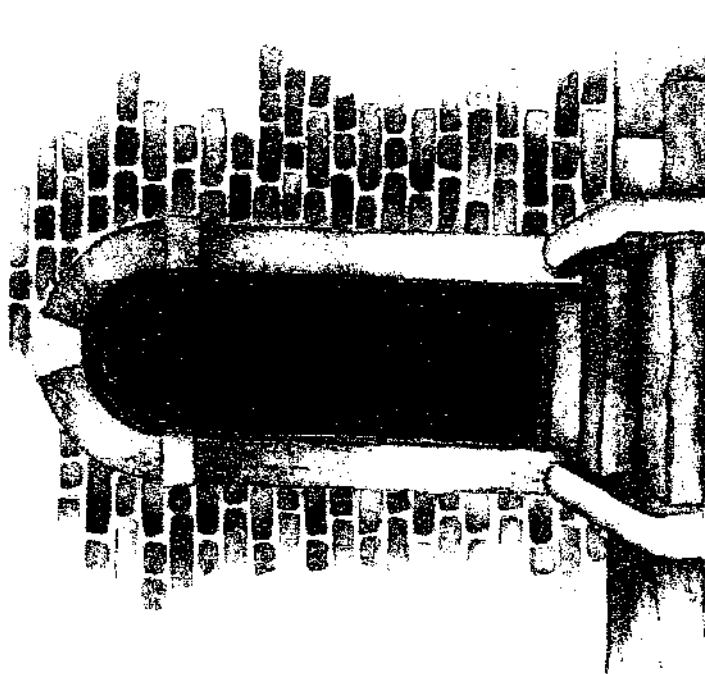
Policy H16, *Design Considerations*, is concerned with the design of new housing sites and dwellings, and notes the particular problems in the rural area of ensuring that new development integrates both with the landscape and the village. It also reproduces the advice from PPG1 that

applicants for planning permission should be able to demonstrate how they have taken account of the need for good design in their development proposals.

Policies EM10 and EM11 make provision for employment development in the rural area, including rural diversification schemes. Both policies contain measures which seek to ensure that new buildings for commercial, industrial or recreational uses respect local building styles and materials, and integrate with the surrounding settlement and landscape. The guidance in this SPG gives a more detailed explanation of how to reflect local distinctiveness in new development.



## Pre – application advice

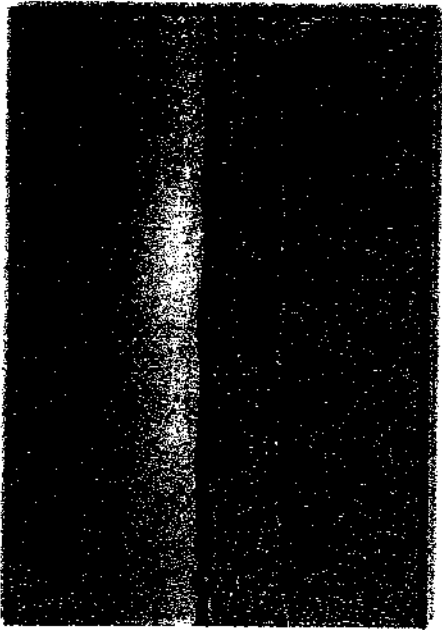


Applicants should consult at an early stage with the City Council on design aspects of their development proposal. In return, the Council will respond constructively, giving clear indications of our design expectations. Careful and early consideration of design issues can speed up the planning process by helping to make development proposals acceptable both in Local Plan policy terms, and to local communities.

There are many specialists within the City Council who are able to help and give advice to applicants. These include planning officers, conservation officers and those who can give advice on landscaping of new development. Their names and contact numbers are given on the back of this leaflet. With their help, and also advice from your own architect or professional adviser, you should be able to design a development which will make a positive contribution to the landscape, both now and in the future. The selection of an architect and builder with a good track record of well designed buildings which are sympathetic to the environment is important.



The following pages set out the three main aspects against which proposals for new development will be assessed.



*The character of the landscape itself.*

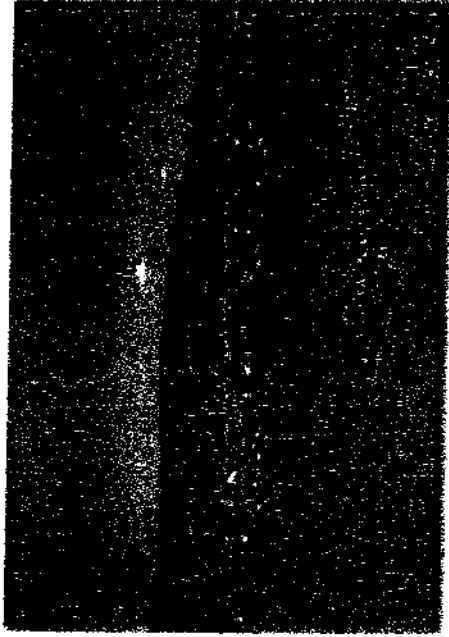
**Landscape** .....

Apart from a few unmanaged and unenclosed areas of moorland and the coastal marshes, agricultural practices have been the biggest influence on shaping the landscape of the District. The countryside is made up of a variety of different elements including villages, farms, agricultural buildings, hedges, walls, roads, fields, woodlands, hills and valleys.

In the countryside, a building, farmstead or village seen from a distance has an impact on a broad landscape setting. The scale of many villages within the district is small enough for their overall shape and patterns to be seen within the wider landscape. By adding to and adapting these patterns, through the addition of new buildings, the relationship of the village with the landscape changes.

The relationship between a village and the surrounding landscape requires close examination when considering development proposals. Aspects to consider include:

- **topography**, i.e. is the village hidden within the folds of the landscape or visible from a wide surrounding area;
- **natural features** in the landscape such as trees and hedges which could be reflected within the landscaping of the development site;



*Landscape which determines the form of settlements*



*Impact of settlements on the landscape*



## 2 Settlement

Villages have evolved in response to the landscape, climate, available building materials, development of communications and economic and social factors. An awareness and understanding of these elements needs to be reflected in the development process. Each village has its own

character which requires individual design solutions to ensure that new development appears to belong to the village, and not be a suburban style extension to it.



Settlements ..... dispersed around open green areas

New development should be sited to integrate with the form of the village, and should not interrupt the established or historic appearance of the many elements which make up the overall character.

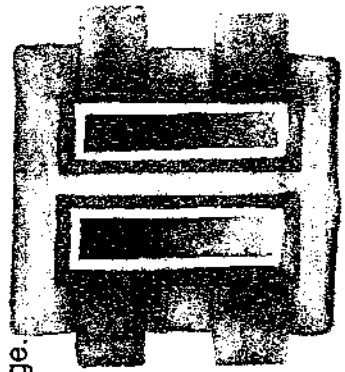
When considering applications for new development within or at the edge of a village, the form and character of the village must be carefully assessed, taking particular note of the following:

- the overall form of the village, i.e. is it strongly linear, clustered around a village green, centered on a cross roads, or does it lack cohesive form?



Impact of settlements on the landscape

- man made features in the landscape such as stone walls, sandstone gate posts, field barns etc, the materials of which could be reflected in any new development;
- when considering edge of village development, account should be taken of **short and long distance** views of the settlement from the surrounding area, taking particular account of the impact on the landscape, and whether the development is likely to integrate well with the edge of the village.

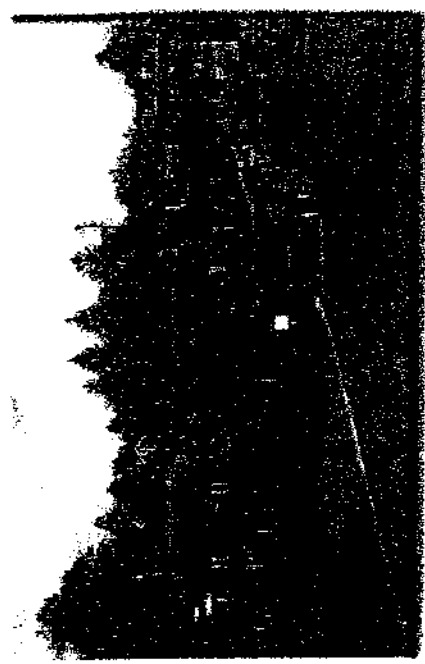




.....the shape and form of settlements .... "linear"

- where a village has a definite form, avoid layouts which would have a jarring effect such as a cul de sac in a village which has a strongly linear form;
- the visual effect of new roads and pavements necessary for larger developments. Avoid an unnecessary urban appearance which will have little in common with traditional housing layouts.
- the quality of public and private open spaces within the village, and views to and from these spaces;
- the presence of any natural features such as trees, hedges, ponds and streams;

- the width and layout of roads and footpaths;
- the layout of the existing buildings and the spaces between them, looking in particular for any repeated patterns such as orientation of ridge lines, terracing or front gardens;
- the relationship between the edge of the settlement and the countryside beyond;
- ground levels, taking account of the impact of buildings on prominent slopes from a wider area.
- the form, colour and materials of surrounding roofscape.



.....the shape and form of settlements ... "grouped around a village green"

### 3 Buildings

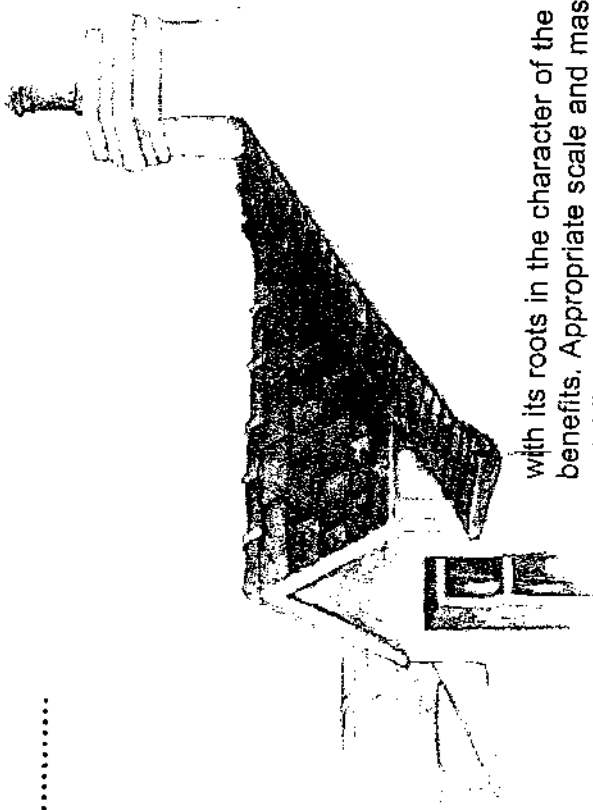


*River cobbles, red sandstone and render in the Solway area (1890)*

The older buildings in many villages often reflect local materials and cultures. Before transport became widely available, building materials were quarried locally, hence red sandstone in the Eden valley, cobbles obtained from rivers and the boulder clay across the District, the use of clay for walls and render in both the Eden valley and the Solway, and the use of sandstone and slate for roofing materials. In addition, there are a number of cruck framed buildings.

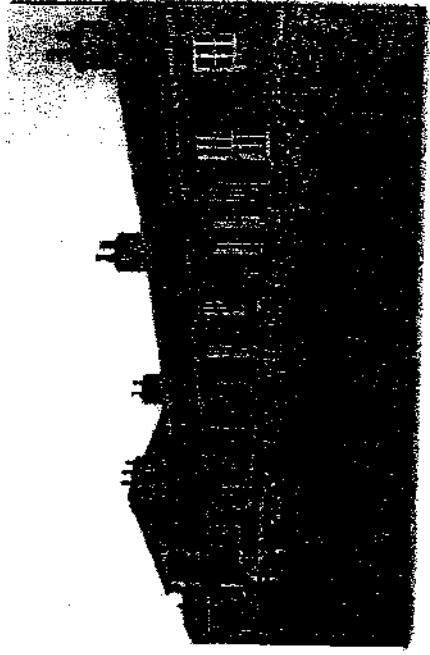
Today, there is a huge range of building materials and styles readily available for use. This is resulting in the gradual erosion of local identity, as standardised building styles are repeated across the whole country.

Direct reproduction of older building styles is not necessary. However, an evolutionary approach to design



with its roots in the character of the area will yield positive benefits. Appropriate scale and massing can often be established by reference to existing buildings, as can the proportions and positioning of window and door openings.

There will be a presumption in favour of natural materials that will mellow with ageing. In many instances, man made materials such as plastics will be inappropriate.



*Red sandstone and red brick in the Eden Valley*



*River cobbles, red sandstone and render in the Solway area (1990s).*

There may be many natural features within and around a development site, such as mature trees and hedges, which should be retained. Such features can provide instant landscaping, and help to integrate the site with the surrounding area. For more advice on the protection of trees on development sites, the adopted supplementary planning guidance, "Trees on Development Sites" should be referred to.

The quality of space around buildings is equally important. Development site boundaries can have a significant impact on a village and also (for edge of village developments) the surrounding countryside. Boundaries are often defined by hedges, although stone walls become more common towards the North Pennines. Well designed boundaries can help to integrate new development both with the village and the wider area. Such boundaries are also important in terms of privacy and security for new and existing development.



*Development site boundary with new tree planting*



... other features which give a village its character, such as front gardens, boundary walls .....

It is important that local characteristics are reflected in new buildings. The following aspects should therefore be carefully thought about when considering or drawing up proposals for new development:

- the impact of development site boundaries on the village or the surrounding countryside;
- the use of existing and new landscaping to help integrate new development with the surrounding environment;
- the colour and type of materials used and whether they reflect those used in existing buildings;
- good examples of the simple use of natural paving materials that can be found in many villages. Whilst cost will often preclude extensive use of natural paving or walling materials, a careful mix of traditional and modern will often be effective.
- the roof pitch, orientation of ridge lines, use of chimneys and type of roofing materials on adjacent buildings;

- the contribution made by window and door styles, and the use of porches, to local character, in particular whether windows have a vertical or horizontal emphasis;
- the predominance of other features which give a village its character, such as front gardens, boundary walls, repeated use of certain materials etc;
- the provision of garages, either for existing development or as part of new development, has the potential to blend in if built of matching materials. It is important that such garages are built of sufficient size to include some storage space. Garages provide a good opportunity to reduce the visual impact of parked cars on the rural scene;
- landscaping schemes which include the planting of native trees and hedgerows. These will help with the integration of new development and generally improve the surrounding environment. The adopted SPG 'Trees on Development Sites' should be referred to for more detailed advice.



Garages ..... reduce the impact of parked cars on the rural scene.

# Contacts

## PLANNING APPLICATION ADVICE

Alan Taylor  
 Chief Development Control Officer .....01228 817171

John Hamer  
 Principal Development Control Officer .....01228 817172

Angus Hutchinson  
 Assistant Development Control Officer .....01228 817173

Sharon Gray  
 Assistant Development Control Officer .....01228 817174

## HISTORIC BUILDINGS ADVICE

Peter Messenger  
 Conservation Officer .....01228 817195

Richard McCoy  
 Assistant Conservation Officer .....01228 817196

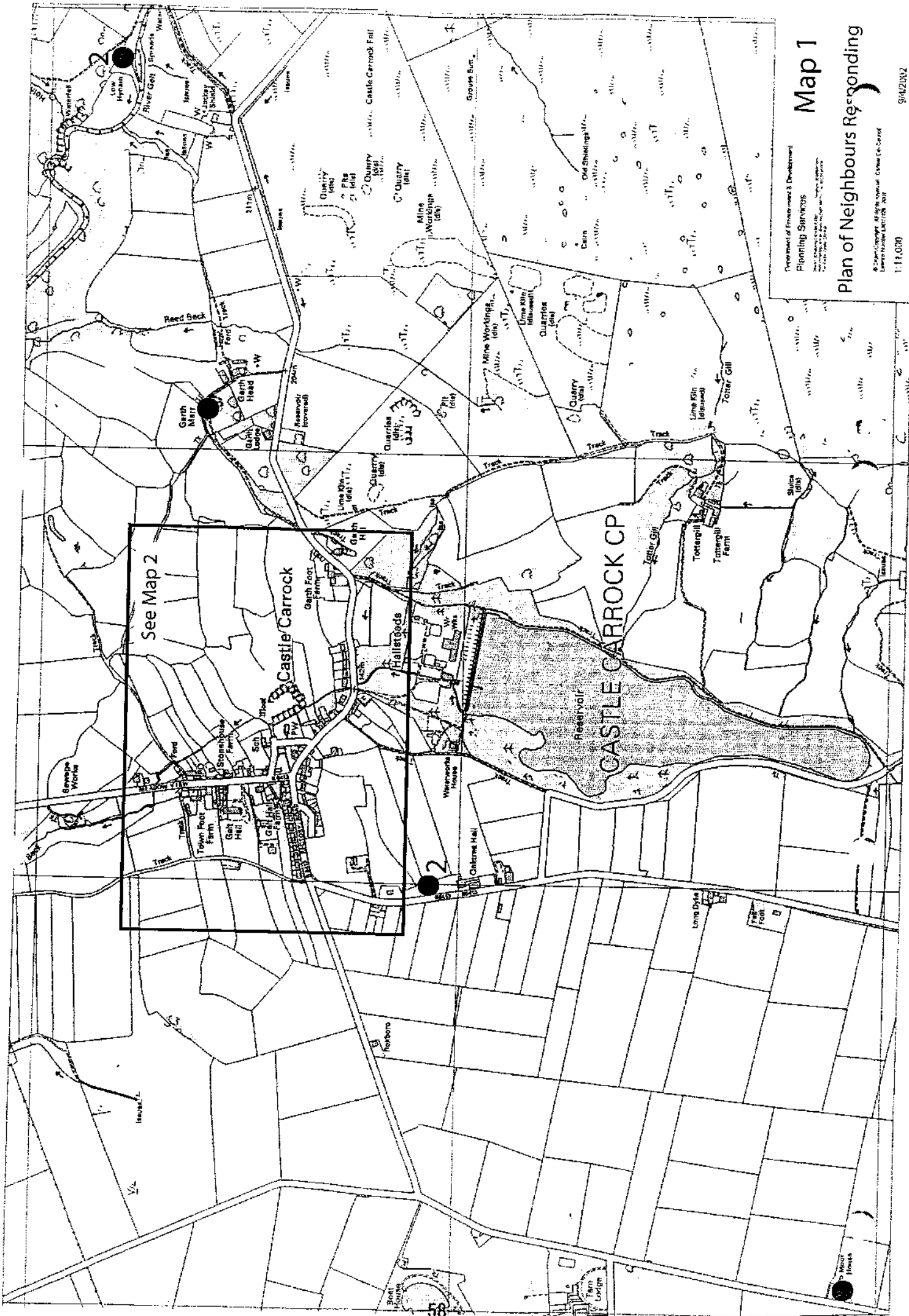
## ADVICE ON LANDSCAPING OF NEW DEVELOPMENT

Chris Wright .....01228 817364

## LOCAL PLAN POLICY ADVICE

Christopher Hardman  
 Principal Local Plans Officer .....01228 817190

Elizabeth Jackson  
 Assistant Local Plans Officer .....01228 817192



See Map 2

Castle Carrock

Reservoir

CASTLE CARROCK CP

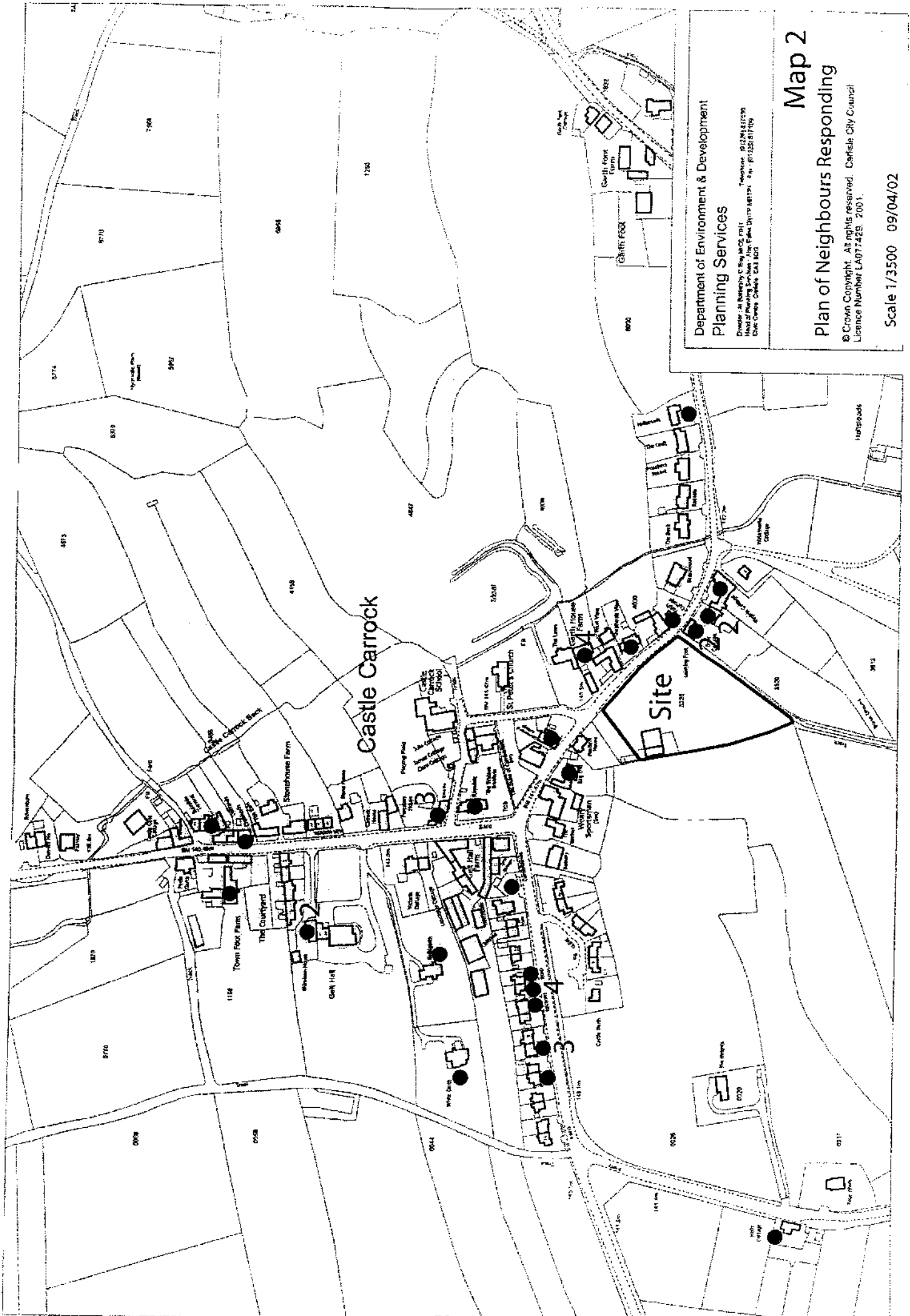
# Map 1

## Plan of Neighbours Responding

Department of Environment & Development  
 Planning Services  
 2000-2001  
 1:11,000

9642/002

© Crown Copyright. All Rights Reserved. Crown Estate Survey  
 Licensed under the Ordnance Survey Licence 2003



Department of Environment & Development  
 Planning Services

Director: An Bhreathnach, C. B. B. M. C. 2001  
 Head of Planning Services: Ailín Egan, O. B. B. M. C. 2001  
 Chief Clerk: Catherine O'Connell, C. A. S. 2001

Map 2  
 Plan of Neighbours Responding

© Crown Copyright. All rights reserved. Carleton City Council  
 Licence Number LA077429. 2001.

Scale 1/3500 09/04/02



# friends OF THE LAKE DISTRICT

Head of Planning Services  
Department of Environment & Development  
Carlisle City Council  
The Civic Centre  
Carlisle,  
Cumbria  
CA3 8QG

Dear Sir

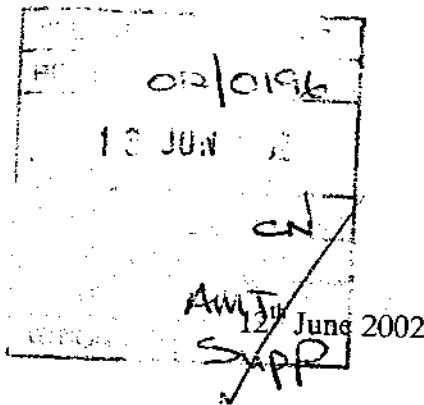
**Town and Country Planning Act 1990.  
Planning Application 02/0196.  
Erection of 11 dwellings.  
L/A field 3328, Castle Carrock, Carlisle.**

We refer to the above planning application, and the two Planning Officers' reports to Committee scheduled for the 14<sup>th</sup> June.

**1) Development Control Report.**

We consider that the Development Control report to be flawed, as it has failed to assess the planning application in terms of the requirements of PPG3. Our reasons for coming to this conclusion are set out below:

- the DC report has not made any assessment of the inter-relationship between current supply of housing, and any additional 'need' for housing if there is one to meet the Cumbria County Council Joint Structure Plan requirements. Paragraphs 3-7; 9-11 and 12-13 of PPG3 have not been addressed;
- there is also absolutely no evidence or assessment of local housing needs within the village, to determine as to whether or not the development would satisfy a specific local 'need'. Further there is no examination or evidence to suggest that the additional houses would contribute to the vitality of the village, or that it is lacking at present. Are local shops under threat, or is the primary school threatened with closure? The Authority does not rely on or have any evidence, such as a 'local housing needs survey' or any other survey for this purpose. The development comprises a mix of 5, 4 and 3 bed dwellings. There is no indication that these units would be for affordable needs. Instead they will satisfy general market housing, and therefore would be part of the overall JSP requirement of 6,000 dwellings up until 2006. Yet the size of the village, and its provision of social and community services is cited as a justification for additional housing provision in the village. Paragraphs 14-19 of PPG3 have not therefore been addressed;



Murley Moss  
Oxenholme Road  
KENDAL  
Cumbria  
LA9 7SS  
Tel: 01539 720788  
Fax: 01539 730355  
E-mail: info@fld.org.uk  
www.fld.org.uk

*President:*  
Sir John Johnson KCMG

*Vice Presidents:*  
Sir Chris Bonington CBE  
K S Himsworth CBE  
Lord Chorley  
Graham Watson MBE

*Chairman:*  
Robin Barratt

*Hon. Treasurer:*  
Ken Andrew

*Director:*  
Ian Brodie

*Policy Officer:*  
Jan Darrall

*Planning Officer:*  
Graham Hale

*Membership Secretary:*  
Jane Walton

*Assistant Policy Officer:*  
Martin Varley

**CPRE**



REPRESENTING  
CPRE IN CUMBRIA

- the DC report does not assess the development in terms of the five tests in paragraph 31 of PPG3;
- the DC report makes no assessment of the application in terms of the sequential approach and the results of the Council's Urban Housing Capacity Study; (it should be borne in mind that there have been derelict rural sites which have come forward in the recent past). Paragraphs 21-30 of PPG3 have not been addressed;
- the DC report makes no reference to what PPG3 says on rural housing and village expansion and infill as set out in paragraphs 69-71, and relating that back to the assessment of need vis a vis the JSP requirements, the sequential approach and the Urban Housing Capacity Study;
- the DC report makes no reference to the DETR document "Tapping the Potential" nor the higher density requirements. Paragraphs 57-58 are ignored;
- the DC report makes no reference as to how this unallocated, greenfield site fits into the Plan, Monitor and Manage approach required by PPG3. Paragraphs 8 and 32-34 have not been addressed; and
- the planning application involves an unallocated, greenfield site in an outlying rural village within the AONB. In this regard, paragraphs 35-36 and 37-39 of PPG3 are ignored in the Planning Officer's report, and only referred to as CPRE's *opinion* as to what PPG3 says in response to the consultations. **The Planning Authority must surely make its own assessment to justify permission or refusal.**

Given the failure of the Planning Authority to implement PPG3, we have referred the matter onto the Government Office for the North-West (GONW), as they are the policing authority to ensure that Central Government advice is properly implemented.

Examples of other sites that have won approval recently have been cited as justification in favour of the Castle Carrock application. However, those planning applications had also **not been considered in terms of PPG3**, and therefore their suitability cannot be used as a planning precedent in any way at all.

In terms of landscape appraisal, we consider that our assessment of the visual effects of the development have been taken out of context in the DC Officer's report. We openly accept the site lies at the southern edge of the village envelope, and it could be described as infilling between existing residential properties and agricultural buildings. However, the site itself contributes to the character of the settlement, although clearly the setting of the village within the AONB and the County Landscape must be taken into account. The site certainly does therefore act as a 'lung' between existing dwellings and buildings. The site is "relatively prominent" in the context of the immediate surroundings within the village, and we accept it is not necessarily within the wider landscape. The Officer's remarks

in his report towards CPRE's views on this matter are therefore rather disappointing. But, we maintain that it is the form of the modern style cul-de-sac layout, which we consider is not sympathetic to the character of the village. We would therefore be grateful if Committee Members carefully consider our detailed and thoughtful responses on this matter.

## 2) Local Plan Report.

In terms of the Structure Plan requirements, the separate Local Plans report accepts that given existing allocations, completions and outstanding planning permissions, the District will have a **surplus**, particularly in the rural area because of the take up of land so far. The Authority's answer to the problem is *not* to assess the current planning application as to whether or not it satisfies PPG3, but rather to suggest alterations to the rural Housing Policy H5, by reducing the number of villages considered suitable for new housing development (the Interim Housing Policy Statement). That scenario could, in our view, open the matter up to an interim public inquiry, given the extent of what is being proposed. Consequently, in our opinion there is **no guarantee** that such a policy solution will achieve the desired outcome of reducing the supply of housing development in the rural areas in the interim period before the Local Plan is reviewed. **That solution also still does not assess the application in terms of the requirements and methodology of PPG3.** Instead the whole issue is disguised to **justify** a planning permission, when there is **no** evidence of need. We provide a copy of recent correspondence with the Planning Authority dated 20<sup>th</sup> May 2002, which discusses our understanding of PPG3 and the methodological approach therein for Committee Members to consider further.

The Local Plan allocation at Morton, south-west of Carlisle is subject to a 'call-in'. In our judgement, the 'need' for this particular site before the end of the Plan period could be given greater significance, if the Planning Authority were to confirm at the call-in Inquiry that they had maintained a strong line on the development of unallocated, greenfield sites elsewhere. But this has not been the case, and would not be so, especially if the site at Castle Carrock is now approved on the 14<sup>th</sup> June.

The current housing supply figures to meet the **Joint Structure Plan** requirement of 6,000 dwelling units up until 2006 are shown as follows, and have been taken from the Local Plan Officer's report:

	<u>Total</u>	<u>Urban</u>	<u>Rural</u>
Total with Planning permission	1,958	1,479	479
Completions 1991-2001	3,891	2,409	1,482

Projected total for Plan period (excluding outstanding allocations)	5,849	3,888	1,961
Local Plan Provision	6,858	4,801	2,057

However, the Morton site alone is allocated to provide 1,025 dwellings. Hence  $5,849+1,025=6,874$  du.

We would accept that given the call-in circumstances, the whole of Morton may not come on stream before the end of the Plan period. Indeed, some of it may be phased and could contribute towards the next Plan period 2006-2016, following on from the recent reductions imposed by the RPG figures. However, our point is that the District will easily meet its current JSP requirement, and that Morton will play its role in meeting that target. However, in the light of the apparent overall surplus, there is no planning justification to allow development of an unallocated, greenfield, rural site, just because there might be no guarantee that the allocated site at Morton would be given permission by the Secretary of State. Surely, he would only not grant permission if there is no 'need' and the site fails all the other tests in PPG3. Arguably, in the event, there may be no 'need' because the Planning Authority has already let go unallocated greenfield sites like the one at Castle Carrock and elsewhere such as at Hayton, Durdar and Warwick Bridge. Such a planning strategy would therefore only serve to undermine the Council's case at the Morton call-in. If the Authority were really serious about the Morton site, then presumably they would otherwise be doing their utmost to get this allocated site permission, in order meet its JSP targets.

We would also point out that Lord Falconer (the then Planning Minister) stated last year at the Planning Summer School (06/09/01):

**"If there is one message I want to get across it is that local authorities must take PPG3 seriously, implementing the sequential test and removing greenfield land allocations where they are not justified.... Make no mistake. We mean business on the development of brownfield sites before greenfield sites. We will do all in our power to deliver the policies set out in PPG3.... I expect our planning guidance on housing to be implemented now as a whole package – not at some point in the future when greenfield allocations have run dry".**

### Conclusions.

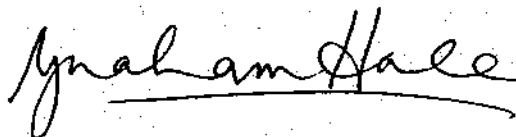
For the reasons set out above, we consider that the Policy solution offered by the Planning Authority would:

- not meet the specific requirements of PPG3 as the Council is required to do;

- nor would it provide any guarantee that such a Policy proposal would succeed following a lengthy consultation period and the potential for itself to be subject to an Interim Local Plan Inquiry;
- or that in the time period envisaged it could achieve a realistic reduction in the number of rural housing developments to overcome the over-provision.

Please record these comments as those of *Council for Protection of Rural England (Cumbria association)*. We would be grateful if the contents of this letter are copied in full to the Planning Committee. We also wish to receive a copy of decision notice.

Yours faithfully

A handwritten signature in cursive script that reads "Graham Hale". The signature is written in dark ink and is positioned above a horizontal line.

Graham Hale BA (Hons) MSc MRTPI  
Planning Officer

# friends OF THE LAKE DISTRICT

COPY

Head of Planning Services  
Department of Environment & Development  
Carlisle City Council  
The Civic Centre  
Carlisle,  
Cumbria CA3 8QG

20<sup>th</sup> May 2002

Murley Moss  
Oxenholme Road  
KENDAL  
Cumbria  
LA9 7SS  
Tel: 01539 720788  
Fax: 01539 730355  
E-mail: info@fld.org.uk  
www.fld.org.uk

FAO Messrs A C Eales and C Hardman

Dear Sirs

## Town and Country Planning Act 1990. Implementation of PPG3.

Further to our previous correspondence concerning the above, please find enclosed a series of relevant planning appeal decisions received from South Holland District Council.

We also received today a copy of the decision notice for planning application 01/0870 LBC, which gives Consent for the erection of 13 dwellings within the walled garden of Holme Eden, Warwick Bridge. We had been very disappointed to see that the respective Planning Officer's report to Committee had stated that our interpretation on a specific point in PPG3 was not correct. This is an unfortunate conclusion, particularly when the Authority itself has clearly not demonstrated that it had considered any of the recent greenfield housing site applications in accordance with PPG3. Instead, Officer's reports confirm that justification as part of the Policy and Assessment appears to have largely been based on the out-dated Local Plan Policy H5. This is clearly a major problem in our judgement, and it is fair to let you know that we have referred our concerns directly on to GONW and the NWRA. The enclosed appeal decisions are therefore pertinent in this respect.

With regard to the specific point previously raised in terms of greenfield windfalls, we would agree that PPG3 is 'silent' on how these applications should be considered. However, Paragraph 38 advises LPAs of the need to have regard to the policies contained in the PPG as material considerations, which may supersede policies in the Local Plan, until such time as the Local Plan has been reviewed. GONW have confirmed this point in their letter to yourselves dated 20<sup>th</sup> December 2001, and is explicitly confirmed in the enclosed appeal decisions.

*President:*

Sir John Johnson KCMG

*Vice Presidents:*

Sir Chris Bonington CBE  
K S Himsworth CBE  
Lord Chorley  
Graham Watson MBE

*Chairman:*

Robin Barratt

*Hon. Treasurer:*

Ken Andrews

*Director:*

Ian Brodie

*Policy Officer:*

Jan Darrall

*Planning Officer:*

Graham Hale

*Membership Secretary:*

Jane Walton

*Assistant Policy Officer:*

Martin Varley

**CPRE**



REPRESENTING  
CPRE IN CUMBRIA

In one of our letters of representation (dated 8<sup>th</sup> November 2001) concerning application 01/0573 (Residential development at Hayton Gardens, Hayton), we had stated in the third paragraph the following:

**“Consequently, in our judgement there can be no planning justification for any Planning Authority to grant planning permission for a greenfield, unallocated site for residential development in the light of PPG3.”**

Whilst we may not be able to sustain that opinion in terms of what PPG3 actually says - because it is 'silent' - the fact remains that Paragraph 36 *does* state that *no allowance* should be made for greenfield windfalls. It *could* be interpreted that 'no allowance' means that there is *no bar* on windfall greenfield development. We can understand that interpretation, but equally that is *not* what PPG3 actually *states* either. Whatever the arguable case, it would seem the Government envisages that *unallocated* greenfield development can *only* come forward in exceptional circumstances, and it must be fully justified in accordance with the requirements of PPG3.

In view of the apparent confusion by your Officers over our interpretation, we had therefore expanded upon this point more recently in correspondence relating to the application at Castle Carrock (reference 02/0196). It is our view that at the very least PPG3 is saying planning permission should not be granted for windfall development on greenfield sites, where there is *no* demonstrable 'need' in terms of the housing requirements for the District. Only where there is a clear planning case that there is an insufficient supply of housing land available to satisfy existing housing requirements in the Plan period, should additional land be brought forward for development. An Authority is still required to consider such additional windfall land in accordance with the five tests in paragraph 31 of PPG3, the sequential approach and the results of the Urban Housing Capacity Study (UHCS), together with the advice contained in 'Tapping the Potential'. In the absence of any housing 'need', however the Council would not be required to go any further in the assessment, and could justifiably refuse permission on that basis alone. At best, we would argue that such additional windfall sites should be justified through the Local Plan process, as an update of the Plan through the plan, monitor and manage approach.

The enclosed appeal decisions would all seem to support the view that 'need' forms the basis of the assessment, before the remaining methodology of PPG3, such as the sequential approach etc, comes into play. PPG3 has a logical approach, which also means that if part of that assessment is either missed out or ignored (ie the UHCS), it is then difficult to draw any proper planning conclusions and recommendations. That fact also comes out of the appeal decisions. An

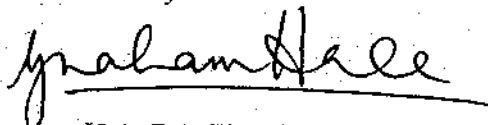
Authority cannot be selective over which 'bits' of PPG3 they wish to incorporate or ignore. That is why PPG3 brings in a much more comprehensive, technical approach to assessing housing development. The appeal decisions also show that it is no longer acceptable to rely on out-dated Local Plan policies.

As stated, of particular relevance is the various Inspectors' conclusions relating to the importance of whether or not there is a demonstrable housing 'need' to support the development of a greenfield site. The cases invariably involve *allocated* greenfield sites, rather than windfalls. In our opinion, greenfield windfalls would have even less planning justification in the same circumstances, as they do not have the benefit of having been through the Local Plan process. So the Inspector's conclusions on these allocated sites indicates the level of weight that would otherwise be given to greenfield windfalls in those circumstances. In addition, the examples illustrate the importance and emphasis that Government gives to sustainable development in villages, and the otherwise intended focus of development on the towns; ie in this case Spalding. Consequently, we consider there is a direct correlation here with the situation in Carlisle District, and the consideration of recent housing development in the outlying small rural villages, such as Castle Carrock, Hayton, Durdar and Warwick Bridge.

In view of the enclosed, FLD would request the Authority examine the various Inspectors decisions carefully. There is a significant amount of material in these decisions relevant to Carlisle District. Perhaps it may be beneficial if we meet to run through the various issues and concerns we have raised recently. We therefore look forward to hearing from you.

Please record these comments as those of *CPRE (Cumbria association)*.

Yours faithfully



Graham Hale BA (Hons) MSc MRTPI  
Planning Officer



---

**PLANNING APPLICATION 02/0196 OS 3328 CASTLE  
CARROCK**

**COMMENTS ON THE LANDSCAPE ASPECTS OF THE  
APPRAISAL OF THE SITE AT CASTLE CARROCK  
UNDERTAKEN BY WOOLERTON DODWELL ASSOCIATES**

---

**Gillian Capstick Dip. LA MLI  
Chartered Landscape Architect  
Townhead  
Johnby  
Penrith  
Cumbria  
CA11 0UU  
Telephone: 01768 483423**

## PROPOSED DEVELOPMENT SITE OS 3328, CASTLE CARROCK

### LANDSCAPE APPRAISAL

---

1. I have been requested to comment on the Landscape Aspects of the Appraisal of the above site which has been submitted by Woolerton Dodwell, Chartered Landscape Architects on behalf of the Castle Carrock Pound as a formal objection to Planning Application 02/0196.
2. I am an experienced Landscape Architect having been in practice for 24 years. I have undertaken a wide range of professional work including a large number of housing developments, many in sensitive areas such as National Parks and Conservation Areas.
3. The Appraisal refers in para 8. to the advice contained within the Carlisle City Council **Countryside Design Summary** adopted on 8 June 2000. This states that:  
  
*'New development should be sited to integrate with the form of the village and should not interrupt the established or historic appearance of the many elements which make up the overall character'*
4. How far the proposed development respects this advice and has either negative or positive effects on the landscape character of the village and its surroundings is significant in deciding whether the appraisal undertaken by Woolerton Dodwell fairly represents the potential impact of the residential development which is proposed.
5. Para. 12. emphasises the importance of the spaces between buildings and the opportunities they afford to gain distant views to the surrounding area. Whilst this aspect is certainly important in respect of internal and intimate spaces such as that near to the church, 'The Lawns', the proposed site, Sid's field, is a not such a space being situated on the edge of the village.
6. The significant views out to open countryside from within the village are those as identified in photograph 3. to the dominating landscape of the Pennine scarp and open moorland and to a lesser degree to the surrounding woodlands, especially in the vicinity of the Castle Carrock reservoir.
7. Para 13. and photograph 4. suggest the importance of views from within the settlement over Sid's field to open countryside. Views from this direction are limited to those properties which immediately front the adjoining road. The nature of these properties being barns around courtyards indicate that, even when they

are converted to residential units, not all will have views out over the road towards the site.

8. The topography of the proposed site sloping upwards away from the road results in views to open countryside being truncated by the form of the land and the wooded background. The views are not on a similar scale of significance as those highlighted in para 6. above.
9. The trees surrounding Sid's field are an important landscape and amenity element on the edge of the village. They merge visually in the background into the larger area of woodland which surrounds the reservoir. The proposed residential development will not block the views of these trees, the trees will remain visible from the village either through spaces between the proposed houses or above the single storey dwellings which are proposed towards the rear of the site. Their important contribution to the outlook will not be lost.

The other important landscape element in the field, the attractive local dry stone walls will also be retained largely intact.

10. The views stated in para 18. that the field proposed to be developed for housing is '*within the centre of the village*' and that in paras 19 and 20 that it is '*a very valuable visual amenity*' and '*provides a glimpse of the working countryside*' are not accepted. An inspection of the field and its location in relation to adjoining properties would indicate that in fact it lies on the edge of the village. It is the fragmented remains of a former working farm which has been broken up and as such its future will always remain uncertain.
11. Change in the character of the village and permanent obstruction of the existing views of the countryside on the edge of the village are alluded to in paras 22. and 23. The important elements of the internal village character, the intimate open spaces with glimpses of views out to the impressive upland scenery for which the Northern Pennines A.O.N.B. is renowned will remain intact even when the development which is proposed is implemented.

Similarly the shorter range views to trees and woodlands, the significant elements of the landscape nearer to the village will still be maintained.

Para 23, photograph 8 implies that all views from the public footpath which follows the lane to the south east of the site will be lost if the residential development which is proposed is implemented. Whilst it is accepted there will be a substantial interruption to views in the lower section of this path, once it rises following the slope of the hill there will be no such restriction with a clear aspect over the properties on the upper part of the site.

12. **Local Plan Policy LP E50 'Open Spaces within Settlements'** is referred to in para. 27 as being of relevance. This policy identifies aspects of open space and

views within settlements. It indicates a presumption against the loss of *'significant public and private open spaces within settlements'*. It also highlights the importance of *'views within villages or from villages to the open countryside'*.

As stated in the above paragraphs both the open spaces and internal views which are characteristic and important to Castle Carrock will remain intact even if Sid's field is developed for housing. Similarly the essential and important elements of the views outwards from the village will be maintained.

13. Policy E 50 finally advises that not every open space within a settlement will be subject to this policy. The Policy accepts that many areas can be regarded as infill sites suitable for development for which there will be no objection in principle.

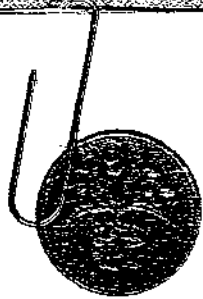
### Conclusions

14. Any process of survey and evaluation especially in the area of landscape appraisal is inevitably influenced by some degree of subjectivity however rigorous the framework within which it is made is designed.
15. From a landscape standpoint a fundamental decision must be made as to whether the proposals would have as stated in para 31. of the appraisal - *'a significant detrimental effect on visual amenity and on both the character and quality of the village'*.

All change in the built environment exerts some degree of change on the landscape. The landscape aspects of both Structure Plan and Local Plans whilst seeking to protect the essential character of settlements do not assume a blanket presumption against any development. They seek to give some measure of protection to those views both internal and to outside which are considered important to individual settlements.

16. In the case of the proposal to develop O.S. field No 3328, Castle Carrock for housing, it is my opinion that the views both within the village and to the countryside and moorland outside which are of overriding significance will be retained. Whilst the development of Sid's field will involve a degree of change to the local landscape the major elements which give the village its charm and character will not be compromised.

Gillian Capstick Dip. LA MLI  
Chartered Landscape Architect  
20 April 2002



PLANNING SERVICES	
REF	02/0196
522 5 MAR 2002	
RECORDED	CN
SCANNED	
PASSED TO ACTION	AMT

CASTLE CARROCK POUND

22.3.02

Dear Mr Taylor,

AMT  
02/0196

As mentioned in our formal objection we have now received the objective landscape consultancy document which was awaited.

It is appreciated that the date for objections has elapsed however we hope that, as an addendum to our previous document, this further information might be considered.

We feel that the credentials of the specialist architect who has assembled this document make it an important and very helpful piece of evidence.

Many thanks for your attention,

Yours Sincerely

PP David Hassall  
Forresters House  
Castle Carrock

We do not inherit the earth from our ancestors -  
we borrow it from our children



## **WOOLERTON DODWELL ASSOCIATES**

**Chartered Landscape Architects  
Environmental Planning Consultants**

5 Sandes Avenue, Kendal, Cumbria LA9 4LL

Telephone: 01539 741741

### **Formal Objection to Planning Application 02/0196**

---

#### **AN APPRAISAL OF THE PROPOSED SITE UNDERTAKEN BY R.D.WOOLERTON, MA(LD) BA FLI, CHARTERED LANDSCAPE ARCHITECT**

#### **ON BEHALF OF THE CASTLE CARROCK POUND**

---

1. The group of villagers from Castle Carrock opposed to the proposal to development of OS field 3328 for housing. (The Castle Carrock Pound) initially requested advice on whether the grounds for objection that had been prepared could be supported from a professional and technical standpoint.
2. After making a site visit, I concluded that there were significant grounds for objection and I confirmed that I would be able to offer an objective statement in support of the objection which would consider a number of matters of relevance including:
  - the existing form and layout of the village
  - the contribution Sid's field makes to character
  - the effect that development would have on the character of the field and the village
  - Structure Plan and Local Plan Policy
3. I am an experienced Landscape Consultant having been in practice for over 29 years. I have been engaged in a wide range of work including the design of housing layouts and associated open spaces in towns and villages and I have been an expert witness at over 50 Public Inquiries.
4. I have been involved in the development of techniques specifically designed to further the understanding of the character of the built forms and open spaces within villages and I was part of the team that pioneered the work on 'Countryside Design Summaries and Village Design Statements' for The Countryside Commission.

5. This process, which involves harnessing the input of local people in an attempt to understand the special character of their own countryside and local villages, is now acknowledged to constitute 'best practice' and is considered to be of particular relevance to this appraisal.

6. It will be useful to understand that 'Countryside Design Summaries (CDS) and 'Village Design Statements' (VDS) (reference page 3 of CCP 473 design in the Countryside Experiments 1994) are

*'local appraisals, led mainly by the local community. These approaches were intended to share similar, design related objectives:*

- *defining a 'local setting' to which new design should respond,*
- *describing local diversity and distinctiveness,*
- *providing a common language on design accessible to all parties*
- *informing local plans and subsequent development control decisions.*

7. Carlisle City Council has prepared a **Countryside Design Summary** for the District and this document was adopted as Supplementary Design Guidance on June 8<sup>th</sup> 2000.

8. The advice contained within the CDS is valuable. In the second paragraph of the Section 2 (page 6) it is clearly stated that:

*'New development should be sited to integrate with the form of the village, and should not interrupt the established or historic appearance of the many elements which make up the overall character.'*

9. A Village Design Statement has not, however, been prepared for Castle Carrock. In my view, had a VDS been prepared in consultation with the villagers, Sid's field would have been identified as an important contributor to the quality and character of the village. The comments included below are, in summary, the key outputs that could be expected from a VDS.

#### **The existing form and layout of the village**

10. The village is characterised by an informal and low density of built development located along several roads. The buildings are generally of a small, human scale set back off relatively wide roads. Photograph 1 is of Garth House Farm, located directly opposite the application site, which is undergoing renovation.

11. Photograph 2 is of an adjacent property in need of improvement. These photographs both illustrate the scale and character of the local vernacular buildings which provide context for the site and which make a significant contribution to the character of the village.

12. The spaces between buildings are also important. They often provide opportunities to gain distant views towards the surrounding grazing land and the fells of the North Pennines Area of Outstanding Natural Beauty. Photograph 3 shows how views from the centre of the village in the vicinity of the Weary Sportsman public house towards open countryside are important in influencing character.

**Formal Objection to Planning Application  
02/0196**

---

**AN APPRAISAL OF THE PROPOSED SITE UNDERTAKEN BY  
R.D.WOOLERTON, MA(LD) BA FLI, CHARTERED  
LANDSCAPE ARCHITECT**

**ON BEHALF OF**

**THE CASTLE CARROCK POUND**

---



**WOOLERTON DODWELL ASSOCIATES**

**Chartered Landscape Architects  
Environmental Planning Consultants**

5 Sandes Avenue, Kendal, Cumbria LA9 4LL  
Telephone: 01539 741741





**PHOTOGRAPH 1**  
Garth House Farm located opposite the Application Site.



**PHOTOGRAPH 2**  
The human scale of vernacular property adjacent to the Application Site .

13. Photograph 4 illustrates the strategic importance of the application site in providing an open view towards open countryside. This view is taken from the lane south west of St Peter's Church looking directly southwards. This is an important characteristic of the village and provides a constant and clear indication of a sense of place, within an unspoilt landscape of National significance.
14. The form of the village is neither 'linear' - concentrated along the roads, nor could it be regarded as 'nucleated' - clustered around a village green or central core or indeed dispersed.
15. In the oldest part of the village however, in the vicinity of the Weary Sportsman and the former Duke of Cumberland public house, St Peter's church and the Village Hall, the buildings tend to front the roadsides and are of a higher density. (Photograph 5) In this part of the village, small areas of grass provide attractive foils to the built forms and the area of open space between the Village Hall and 'The Lawns' is particularly valuable and valued as an amenity space within the village core. (Photograph 6)

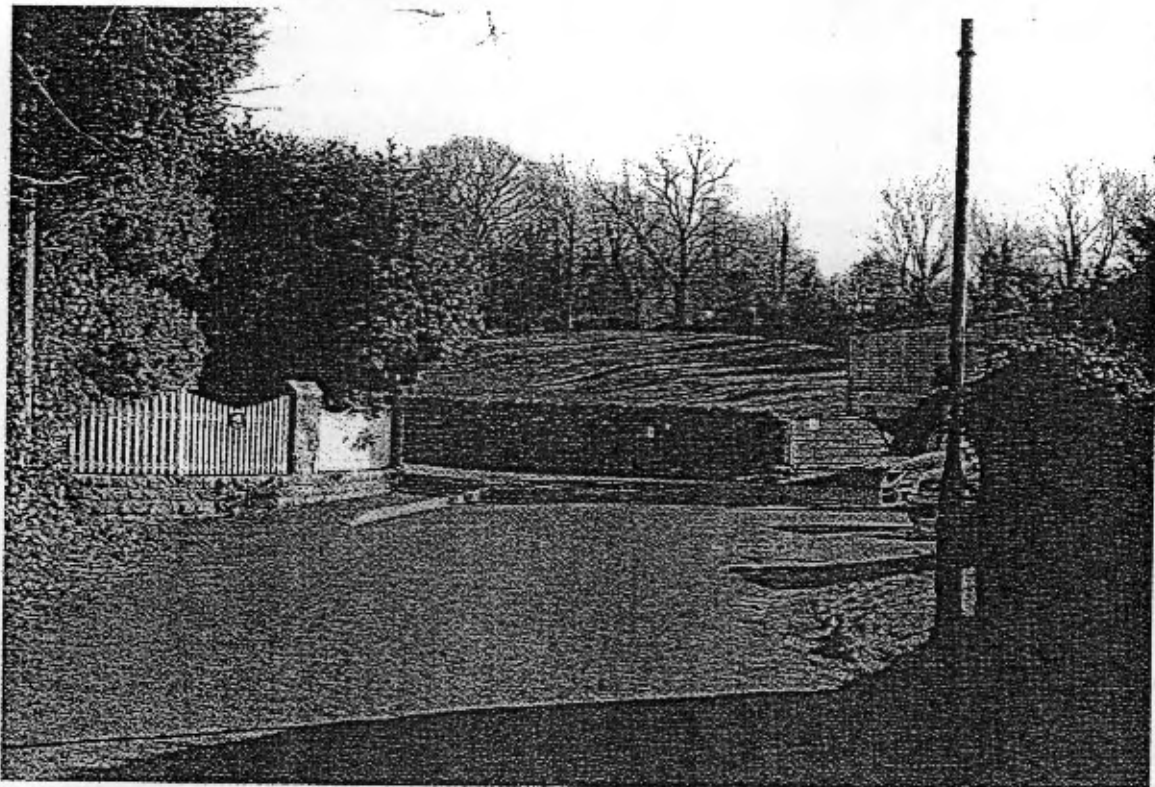
**The contribution Sid's field makes to the character of the village.**

16. Sid's field consists of a quadrilateral of grazing land 0.761 hectares or 1.88 acres in extent. Its south western boundary rises to a minor ridge which supports a former hedgerow and mature trees and shrubs.
17. The north eastern and south eastern boundaries of the field are formed by attractive sandstone walls which are in very good condition. These walls are component parts of the character of the village. Photograph 7 is typical of the site when viewed from the road side.
18. A barn complex is located in the north western part of the field. Although constructed of blockwork, corrugated steel sheeting and timber, and is not of any particular architectural merit, its scale and form is entirely appropriate for its purpose as an agricultural building sheltering stock. Is it considered therefore to make a useful contribution to the village scene. The location of a grazing field within the centre of the village is particularly important, as it is a constant reminder of the relationship between the village and the surrounding use of land for farming purposes. This once common feature of villages is disappearing and should be conserved where possible as an attractive aspect of village life.
19. Although Sid's field is not a public open space and is not accessible to the public for recreation, it is one of a number of spaces within the village which provides a very valuable visual amenity.
20. At one scale it provides a glimpse of the working countryside where stock graze and animals are managed as part of a farming activity.
21. At another scale, the land provides a lung of green open space that provides a visual link with the surrounding landscape. Both uses are greatly valued within a village.



**PHOTOGRAPH 3**

Open views of the North Pennines AONB are common from within the village and provide an important sense of place for all who live and work and visit the village.



**PHOTOGRAPH 4**

The view of Sid's field (Application Site) and the countryside from Church Lane' looking southwards.





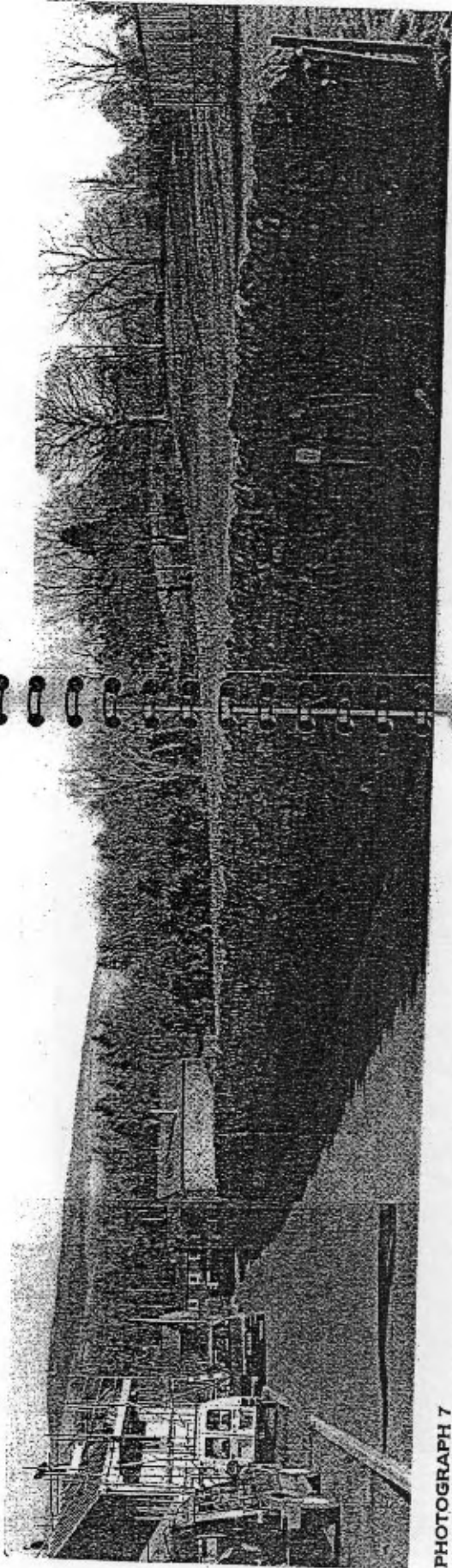
**PHOTOGRAPH 5**

The oldest part of the village with important open space on right hand side.



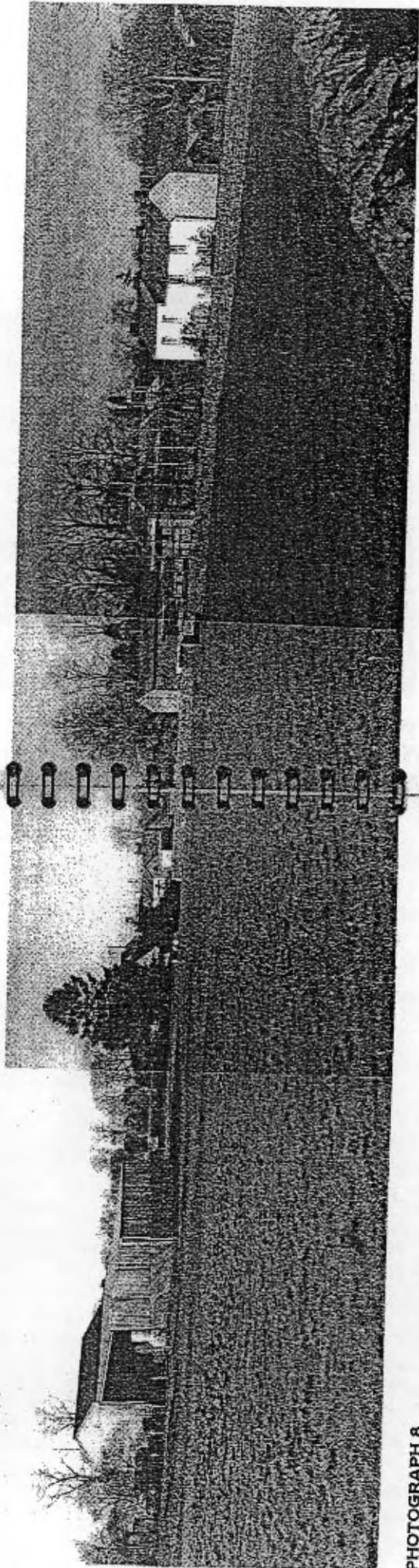
**PHOTOGRAPH 6**

The open space within the village which forms an important amenity.



**PHOTOGRAPH 7**

Sid's field looking towards the south east and the AONB. Here the countryside is located right in the centre of the village.



**PHOTOGRAPH 8**

View of Sid's Field from the Public Footpath on the south eastern boundary

**The effect that development would have on the character of the field and the village.**

22. The proposal is for 11 detached housing units with integrated or attached garages that would take up the majority of the field. The density cannot be considered to be high, however, it is evident that the field would completely change in character from being completely open to being 'urbanised'. This is considered to be considerably detrimental to the distinctive character of the village.
23. Irrespective of the precise architectural form and style of the individual units, or the types of materials proposed, the effect of buildings constructed on the open pasture would:
- remove all references to the existing agricultural character of the land,
  - create an 'infil' of suburban form, indistinguishable from many other developments elsewhere,
  - permanently obstruct the existing views of the countryside on the edge of the village.

Photograph 8 illustrates a view of the south western part of the village from the public footpath which is located on the south eastern boundary of the site. This development would not only obstruct this view but also dramatically influence the character of the village

24. The development also fails to reflect the distinctive character of the architectural forms and detailing identified in the village which are important in determining character,
25. It would also set an unfortunate precedent in the village that establishes the 'cul-de sac' as an acceptable form of development. It is my view that the character of the village is considerably enhanced by the fact there are no modern houses in 'cul de sac' developments. This fact distinguishes Castle Carrock from many other villages of a similar size which have been eroded by ubiquitous infil developments that relate poorly to the components that contribute to the character of the locality.

#### **Structure Plan and Local Plan Policy**

26. Comments on Planning Policy have been included in the submission by Castle Carrock Pound. I confirm that I support the views made in the submission.

In addition, I refer to the **Structure Plan Policy SP27:**

*SP 27 - 'Open spaces within the fabric of towns and villages often form a valuable local amenity'..... It is 'important that areas that make a significant contribution to the built environment are identified in Local Plans and adequate protection measures taken.'*

I consider that Sid's field does make a valuable contribution to the built environment of the village and should therefore be identified in the Local Plan.

27. In the Local Plan, Policy LP E50 'Open spaces within Settlements' is of relevance.

*'The loss to built development of significant public and private open spaces within settlements will not be permitted.'*

*2.200 'In other settlements where there are no inset Proposals Maps, open sites which make a significant contribution to the form and character of the settlement will be subject to this policy. Such sites often provide important views within villages or from villages to the open countryside. Other sites such as those with mature trees, gardens or orchards are often important features which contribute to the character of the village.'*

*2.204 'This does not mean that every open space within a settlement will be subject to Policy E50. Many areas of open land within settlements can be regarded as infill sites, suitable for development and in these cases, there will be no objection in principle to their development.'*

I have already stated that I consider that the site is of particular significance and has an important part to play in providing views of the surrounding countryside and in determining the character of the village. I consider this Policy was drafted to protect precisely sites such as Sid's Field that is the subject of the application.

#### **Conclusions**

28. Sid's field plays a very important role in determining the character of Castle Carrock.
29. The villagers have, in their own way, identified the special characteristics of the application site and placed a significant value on it as an amenity of the village community.
30. The process of survey and evaluation undertaken by the Castle Carrock Pound is similar to that recommended to communities when carrying out Village Design Statements (VDS). As such, the findings should be highly valued and respected as they represent the people who live and work in the local area.
31. The proposals would permanently change the character of the field and have a significant detrimental effect on visual amenity and on both the character and quality of the village.
32. The layout and detailing of the dwellings do not reflect either the historical form of the village or the characteristics of the buildings and would make a negative contribution to the village.
33. Structure Plan and Local Plan Policies are in place to protect villages from inappropriate development of this nature.
34. In summary I support the formal objection to the application on behalf of Castle Carrock Pound.

R.D.Woolerton MA(LD) BA FLI  
Chartered Landscape Architect  
March 16<sup>th</sup> 2002



GOVERNMENT OFFICE  
FOR THE NORTH WEST

Head of Planning Services  
Department of Environment & Development  
Carlisle City Council  
Civic Centre  
Carlisle  
Cumbria CA3 8QG

Planning, Environment  
and Regional Policy  
Co-ordination Group  
Sunley Tower  
Piccadilly Plaza  
Manchester M1 4BE  
Direct Line: 0161 952 4  
Tel: 0161 952 4000  
Fax: 0161 952 4  
GTN: 4301  
Email:  
Internet Address:  
www.go-nw.gov.uk

14 June 2002

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995  
HOUSING DEVELOPMENT AT FIELD 3328, CASTLE CARROCK, CARLISLE**

1. We have received a number of requests that the planning application currently before your Council in respect of a development of eleven dwellings at Castle Carrock should be called in for determination. These include, in particular, a very detailed letter from Friends of the Lake District in which they express concern about the implementation by your Council of national planning policy guidance on the provision of housing as set out in PPG3.
2. It would be helpful to us in considering whether or not the application should be called in for determination to have your Council's views on the application and on the letter of 12 June from Friends of the Lake District, a copy of which is enclosed.
3. To provide time for you to provide that information and for us to consider it, it has been decided that it would be appropriate to direct your Council not to grant permission on the application in the meantime. Therefore, in exercise of the powers under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995 the Secretary of State hereby directs your Council not to grant permission on planning application number 02/0196 without special authorisation.
4. I have sent a copy of this letter to Friends of the Lake District.

Yours faithfully

M Farquhar



INVESTOR IN PEOPLE





**Clerk to the Castle Carrock Parish Council**  
**The Lawn, Castle Carrock, Brampton, Cumbria, CA8 9LU.**  
01228 670351

Mr Alan Taylor  
Chief Development Control Officer  
Carlisle City Council  
Department of Environment & Development  
Planning Services Division  
The Civic Centre  
CARLISLE  
Cumbria  
CA3 8QG

8th December, 2002

02/0196  
332  
CN  
AMT  
AMT  
Your ref: AMT/DC 02/0196  
copy to Steve re right to sell

Dear Mr Taylor

**Proposal:** Erection of 12 no Detached Dwellings and 4 no 2 Bed Linked Houses for rent for local occupancy

**Location:** Land Adjacent to field No. 3328, Castle Carrock, Carlisle

**Appn No:** 02/0196

I acknowledge receipt of your letter dated 29th November, 2002, in relation to a planning application submitted by Montgomery Housing in March, 2002 to develop the above site. I am somewhat confused by the words: 'adjacent to field No: 3328' as my understanding of the word 'adjacent' is **adjoining or bordering**. Is Montgomery Housing Company's planning application on field 3328 or another, nearby, field, and if so which? Please clarify.

On the basis that an error has been made, and that the planning application is for the construction of houses on field no. 3328 itself, I should tell you that I duly submitted the revised plans to the Castle Carrock Parish Council Chairman who convened an Extraordinary Meeting of the CCPC on Wednesday, 4th December, 2002. The Council studied the revised plans carefully and after due consideration of all aspects it was decided to notify all the villagers of Castle Carrock of the development and hold an open forum on Sunday, 8th December, from 10.00 a.m. until 5.00 p.m. with Parish Councillors in attendance to-gether with a full set of the new plans.

The upshot of the Council Meeting on the 4th and the open forum on the 8th December is that the development of Field No. 3328 is to be vigorously opposed in every respect. The unanimous decision of the CCPC was that the Parish Council should purchase field no. 3328 at agricultural land values on behalf of Parishioners to be used, in perpetuity, as a public amenity. To this end a letter has been sent to the Chief Executive of the current owners of the field, The Cumbria County Council.

In the event that this request is denied, and that the field is sold to a third party for housing development the Parish Council take grave exception to the current (revised)

plans as the development is for an excessive number of dwellings on a relatively small green field site. If houses are to be built on the field then the view was expressed that no more than four detached properties should be built, in a strip development fronting the Geltsdale Road. All four houses should be constructed in the local stone and be roofed with slate, preferably from a local slate mine, so as to blend in with houses in the vicinity. This sympathetic development should pay particular attention to landscaping and should be so designed so as to enhance the ambience of the village, and blend with the surrounding listed buildings.

You may care to note the comments of villagers who signed the Visitors Book on the open day, as follows:

*'There is no need for these houses. The village and surrounding road infrastructure cannot cope with the extra traffic. The design does not fit well with the existing buildings, design or density. It is in contravention of national and local planning policies. The village did not get the opportunity to purchase the land when they should. It should be opposed at all costs.'*

**'Too many, inappropriate - please throw it out.'**

'Far too dense and insensitive a proposal. The village will change for the worse in all aspects should it go ahead. The design is wholly inappropriate and there has been proven to be no need nor desire for such a proposal. Please throw it out and listen to local concern.'

'Too many for school, sewerage and too overpowering, get back to 10 maximum.'

**'Four to five properties would be more appropriate, the proposed estate would completely change the look and feel of our local village for ever.'**

'Resist this County pillage against our village ! Fight for the Parish Council's right to buy the field for posterity. The end game can still be won.'

*'There is no justification for this development whatsoever, it will spoil the character of the village for all time.'*

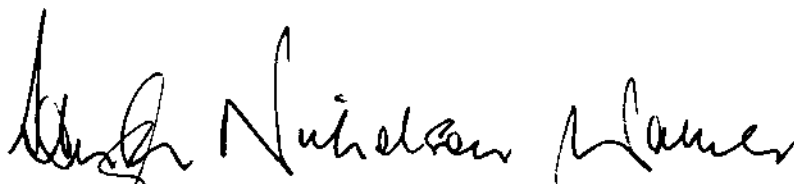
'Not only is this development unnecessary and unwanted, it is completely out of character with the lovely rural village of Castle Carrock and the surrounding properties, many of them listed. The developer has made no effort whatsoever to design the 16 (on 1.8 acres - you must be joking) in the Cumbrian style, no doubt he is more interested in building cheaply rather than using traditional materials of local stone and slate. I would have

thought that you, and your committee, as planners, have a duty to make sure that this development is small and built in the vernacular style, so that future generations won't think of you all as greedy and environmentally ignorant.'

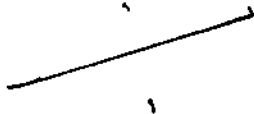
As I understand you plan to discuss this matter on the 20th December, 2002, I would be pleased if you let me know the precise time and venue, and kindly note that a Parish Councillor, or Council Officer, would wish to be in attendance in order to address the Committee before any decisions are made.

I look forward to hearing from you at your earliest convenience.

Yours sincerely

A handwritten signature in cursive script that reads "Hugh Nicholson-Walker".

Hugh Nicholson-Walker  
Parish Clerk.

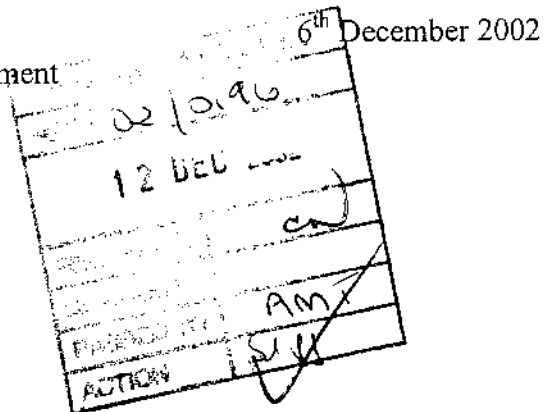
A handwritten flourish consisting of a horizontal line with a small vertical tick mark above it and a small vertical tick mark below it.

# friends OF THE LAKE DISTRICT

Head of Planning Services  
Department of Environment & Development  
Carlisle City Council  
The Civic Centre  
Carlisle,  
Cumbria  
CA3 8QG

FAO Mr A Taylor

Dear Sir



Murley Moss  
Oxenholme Road  
KENDAL  
Cumbria  
LA9 7SS

Tel: 01539 720788

Fax: 01539 730355

E-mail: info@fld.org.uk  
www.fld.org.uk

## Town and Country Planning Act 1990. Planning Application 02/0196.

Erection of 12 no. detached dwellings, and 4 no. linked two bed houses for rent for local occupancy (revised proposals).  
L/A field 3328, Castle Carrock, Carlisle.

Thank-you for re-consulting us on the above planning application. We also have a draft copy of the Planning Officer's report to DC Committee dated 20/12/02. We wish to make the following points in response to both.

### Introduction

FLD notes that the number of dwellings now proposed has been **increased** from 11 to 16, and the site now takes up more greenfield land than previously. Of the 16, **one** additional unit would be for general market housing. These involve large detached dwellings. **Four** would be 2 bed low cost housing units for local needs. FLD has set out detailed representations and correspondence with the Head of Local Plans and the Head of Planning Services previously (dated 12<sup>th</sup> March 2002, 20<sup>th</sup> May 2002, and 12<sup>th</sup> June 2002 respectively) as to why this development would, in principle, be contrary to the implementation of PPG3 (March 2000). We do not wish to repeat everything that has already been said, and consider that these previous representations remain equally valid to the above revisions. However, it is clear that the increase in the number of dwellings would **exacerbate** the over-provision of housing in the rural part of the District, where there is no **demonstrated** need. FLD therefore remains **opposed** to this unjustified development.

### PPG3(March 2000) and the Council's Interim Housing Policy Statement

In terms of the Planning Officer's DC report, and the implementation of PPG3 (March 2000) and the Interim Housing Policy Statement (November 2002),

*President:*  
Sir John Johnson KCMG

*Vice Presidents:*  
Sir Chris Bonington CBE  
K S Himsworth CBE  
Lord Chorley  
Graham Watson MBE

*Chairman:*  
Robin Barratt

*Hon. Treasurer:*  
Ken Andrews

*Director:*  
Ian Brodie

*Policy Officers:*  
Jan Darrall  
Jack Ellerby

*Planning Officer:*  
Graham Hale

*Assistant Policy Officer:*  
Martin Varley

CPRE



REPRESENTING  
CPRE IN CUMBRIA

FLD would comment as follows. It is widely **accepted** by all Planning Authorities in England and Wales that PPG3 (March 2000) **supersedes** all outdated Local Plan policies, like those contained in the Carlisle City Local Plan (adopted in September 1997). The Interim Housing Policy Statement is a means to ensure that existing Local Plan housing policies are implemented **in accordance** with PPG3 (March 2000). Hence the **methodology** imposed by PPG3 (March 2000) must be adhered to when applying Local Plan policies.

### **Plan, Monitor and Manage, and over-provision**

As a consequence, in carrying out the **Plan, Monitor and Manage** (PMM) approach in PPG3, all Planning Authorities are required to provide for a suitable level of housing that matches the **needs** of the District. In doing so, the PMM methodology requires consideration of the current **supply** of housing land (i.e. allocations, completions and planning permissions) set against the **JSP requirement** up until the end of 2006 (i.e. the end of the Plan period). The Council acknowledges that it currently has an **over-supply** of new housing in the rural area by some **125 units**, and is likely to continue to do so by 2006 with some **130 units** compared against the District requirement (see DC Officer's report 20/12/02).

Utilising the figures in the **Interim Housing Policy Statement** (see page 3), FLD has assessed the level of new housing in the District as follows:

	<b>Total</b>	<b>Urban</b>	<b>Rural</b>
<b>(a) Total with planning permission</b>	1928	1195	733
<b>(b) Completions 1991-2002</b>	4286	2652	1634
<b>(c) TOTAL</b>	6214	3847	2367
<b>(d) LPA Projected total for Plan period (estimate up to 2006)</b>	5751	3560	2191
<b>(e) Outstanding Local Plan Allocations</b>	1092		
<b>(f) Total Local Plan provision</b>	6858	4801	2057

The **JSP requirement** for the Plan period is **6,000 dwellings**. From (c) above, it can be seen that the District has a **current total potential supply** of **6214** new dwellings as at April 2002 (excluding existing outstanding Local Plan allocations). Assuming past build rates the projected total has been estimated down as **5751** [see (d) above]. However, assuming that the current outstanding Local Plan allocations will be granted planning permission before 2006, the District will then have a total housing land supply in the order of **6858** dwellings

[see f) above]. On the other hand, should all the existing outstanding permissions also be implemented, then the **total supply** would be in the region of 7306 (i.e. 6214 (c) + 1092 (e) above). As a minimum and excluding any **new windfall sites** that may come forward before 2006, the total **over-supply** would be in the order of **850** dwellings for the District as a whole. As a consequence, the 16 additional dwellings proposed in this application would **increase** the level of **over-provision** even further, where there is **no planning justification** to do so. Planning Inspectors dealing with appeals elsewhere in the country have held that an **oversupply** within the Plan period is a reason for **refusal** in its own right, in accordance with the PMM approach. Appeals have been dismissed on this basis alone.

### **The Sequential Test**

The over-supply should then be considered against the emphasis in PPG3 towards providing sufficient housing land, but giving priority to re-using previously-developed land **within urban areas**, bringing empty homes back into use and converting existing buildings, in **preference** to the development of greenfield ones. In other words, the focus for new housing development should be **existing towns and cities**. That should imply that given the healthy housing land supply, especially in the rural areas, the Council should be giving highest priority to previously-developed sites within **Carlisle, Brampton, Longtown and Dalston**. These are the correct **higher order settlements**, not rural locations such as **Castle Carrock**, as the DC Planning Officer seems to inappropriately suggest. It is inconceivable to suggest therefore that Castle Carrock should be a priority for new development over other larger, more **sustainable built up areas** like those referred to above. A major criticism is that the Planning Officer has simply **not** made any assessment of the application against the **sequential test** and the higher order settlements where new development should be encouraged for **sustainability reasons**. This is a key test set out in PPG3 (March 2000). Development in rural villages should follow the sequential approach, unless there is a clear justification that new housing is required to meet the **needs of local people**, and where it can be demonstrated that it would support local services and ensure that the community remains viable.

### **Urban Housing Capacity Study**

Should a 'need' exist, then PPG3 (March 2000) also requires consideration of the **Council's Urban Housing Capacity Study** to inform the decision-maker of the level of housing that could be provided on **sustainable previously-developed sites** in the built-up areas, before consideration could be given to greenfield sites. The Council has recently completed a revised UHCS. Yet the DC Planning Officer's report makes **no reference** to it, **nor** made any **consideration** of this

urban capacity study in assessing the appropriateness of the application site in Castle Carrock. The Officer's report and recommendation is therefore **significantly flawed** and fails the **principle test** in PPG3 (March 2000). Once again, Planning Inspector's have dismissed appeals where LPA's have failed to consider an application against an up-to-date UHCS (see Carleton Heights, Penrith appeal decision attached APP/H0928/A/01/1075486)

### Local affordable housing need

In terms of justifying a **local housing 'need'**, the DC Planning Officer has not made reference to the recent survey carried out by **Cumbria Rural Housing Trust** (6<sup>th</sup> September 2002) (see attached). Their report concludes that:

**"In conclusion, there does not appear to be any significant need for affordable housing provision with in Castle Carrock. One household has been identified as being in need of level access bungalow accommodation, and with the village Anchor Housing Association have four bungalows which would satisfy the needs of this household".**

As a consequence of this recent study, FLD concludes that the provision of a terrace of four, linked, 2 bed properties would make absolutely **no planning sense** at all, as there is simply **no justification**. These additional dwellings would be provided in a rural village location when there is **no need**.

### General Market Housing

Even if a **need** were **substantiated** in the first place, FLD would have expected a much more in depth analysis of the **general housing needs** of the village, in accordance with the **Interim Housing Policy Statement** and **paragraphs 69-71 of PPG3** (March 2000). For example, there is **no** assessment as to whether or not the additional housing will **support** local services, such as schools or shops, which could become **not viable** without some modest growth. Hence, there should otherwise have been a **detailed analysis** as to whether or not, for example, the local school is **over or under subscribed**. For example, should the Planning Authority find it over subscribed, then conclusions could be drawn that there is no need for additional housing capacity as that would exacerbate the existing problem. On the other hand, if the school is found to be under-subscribed, then there might be a reason to suggest there should be an increase in housing provision to ensure viability.

On the same basis, a similar analysis of the existing shops (i.e. the post office and pub) and other services (the village hall, local bus services and church) should also be made to as whether or not they are well used by local patronage. A

balanced judgement should have then be made as to **whether or not** additional housing **should** be required to ensure viability of the community. However, the DC Planning Officer's report dated 20/12/02 has provided **no analysis** of the present situation at all. Instead the report relies on an **old designation** dating back to 1978 to justify the new development, which simply **lists** facilities at that time, but does **not demonstrate** or **justify need** in a **qualitative** or **quantitative** measure. Yet PPG3 requires this up-to-date assessment because circumstances must alter over time.

Moreover, there is no assessment of the existing **level, mix or balance** of housing provision in the village, and therefore whether or not 16 additional dwellings would be **appropriate**. Furthermore, whether or not it would result in a **significant** increase in the total housing stock in the village. In FLD's opinion this proposal would **not** be '**small-scale**' in the **context** of this village. Equally, there is **no** assessment of the **environmental capacity of the village**.

### Density

In terms of density, the proposals fail the requirements of PPG3 (March 2000), which requires developments to **avoid** densities of **less than 30 du/ha**. The current proposal manages just 21du/ha, which is well below the District Plan average of 25du/ha. Planning Inspector's have also dismissed proposals that fail to achieve the desired density on the grounds that the development would fail to achieve an efficient use of land. One of the main purposes of PPG3 (March 2000) is to minimise the take up of greenfield sites and to secure urban regeneration and to ensure the efficient use of land. The DC Officer's report makes **no justification** as to why the Government's policy and the Local Plan policy on density should be put aside as an exception in this case.

### Conclusions

FLD concludes that:

- the revised proposal **exacerbates** the current **over-provision** in the rural areas;
- the DC Officer's report fails to employ PPG3 (March 2000) in so far as the over-provision in the Plan period is **not** being **Plan, Monitored and Managed**;
- there is **no** assessment of the application against the **five 'sustainability' tests** set out in paragraph 31 of PPG3;
- development of this greenfield site would **not maximise** the re-use of **previously-developed land** and the conversion and re-use of existing buildings;



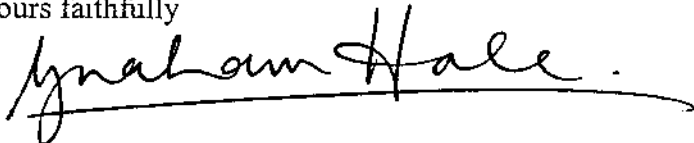
- it would **not focus** development in the **higher order settlements** of Carlisle, Brampton, Longtown or Dalston;
- there is **no** assessment of the application against the **urban housing capacity study**;
- the **sequential test** has **not** been applied;
- the site does **not** satisfy the advice contained in PPG3 (March 2000) regarding **windfall sites**;
- there is **no** attempt to assess the **environmental capacity** of Castle Carrock;
- despite the lack of 'need', it is suggested that the site could be **phased**, but there is **no detail** as to how much and when; and
- there is **no** attempt to provide the **higher level of density** of development now sought by Central Government.

PPG3 (March 2000) does not exclude development within rural villages. However, the DC Officer's report provides little **detailed analysis** nor **any reasoned justification** as to why this greenfield site should be developed, where there is clearly **no need** for additional **general market housing** or **local affordable housing** in this village, before 2006. This is a fundamental point in implementing PPG3 (March 2000). It would seem that this application is being supported despite the **strong, fundamental, policy objections**, which seemingly have been **put to one side** without adequate policy or reasoned justification.

For the reasons outlined above, FLD would therefore maintain its objection and recommend **refusal** accordingly.

Please record these comments as those of *CPRE (Cumbria association)*. We would be grateful if the full contents of this letter is copied to all members of the **Planning Committee** before the **Committee date** scheduled for the **20<sup>th</sup> December 2002**. We would also be grateful to receive a copy of the decision notice.

Yours faithfully



Graham Hale BA (Hons) MSc MRTPI  
Planning Officer

Cc – Mr Murray Farquhar, Government Office for the North West  
Jane Corry, Cumbria Country Council

---

# City of Carlisle

## INTERNAL MEMORANDUM

---

<b>From:</b> Local Plans and Conservation Manager	<b>Please ask for:</b> Christopher Hardman
<b>To:</b> Development Control Manager	<b>Extension:</b> 7190
<b>FAO:</b> Alan Taylor	<b>E-mail:</b> Christopher Hardman
	<b>Your ref:</b>
	<b>Our ref:</b> CH/VMDS/02/0196 17 January 2003

---

### **02/0196 L/A 3328, Castle Carrock Objection by FOLD/CPRE (Cumbria Association)**

#### **Plan, Monitor and Manage and Over Provision**

Through the plan, monitor and manage process and production of the Interim Housing Policy Statement, Officers are attempting to redress the balance between rural and urban areas putting greater emphasis on urban area. Looking at the current plan period the projected totals fall short of the Structure Plan requirement. The Interim Statement does not alter plan policies (it is not able to), but takes into account PPG3 in the context of local circumstances and existing policies. It, therefore, seeks to reduce the number of permissions granted in rural areas, but not put a moratorium on development.

It is not possible to relate the outstanding allocations to immediate commitments as FLD have done. If Morton gets planning permission the development will be phased over the next plan period as well as existing.

Revisions to supply will be addressed through Local Plan review, but under existing policies it would be unreasonable to argue sites coming forward in well-serviced settlements should be refused when the Interim Statement seeks to guide development to the more sustainable locations in the existing H5.

## **The Sequential Test**

Whilst the sequential test is recognised and some hierarchy of order of location exists FOLD appear to consider only Brampton, Longtown and Dalston are acceptable rural locations for development. Those higher order settlements have been the main focus for housing and employment, including development of allocated sites of greater number of dwellings than those proposed in Castle Carrock. Sequential must mean that there is a sequence and as the existing policies focus on Carlisle then Brampton, Longtown and Dalston existing policies reflect a sequential approach followed by provision for rural areas. The provision in the remainder of the rural area is that requiring greater focus on location.

## **Urban Housing Capacity Study**

The Council has reviewed its UCS with a base date of 2001. This will inform review of the Loc. Plan. It identifies the scope to look to the urban area for the focus of Local Plan review, but Urban Capacity Studies consider potential. The results need to be considered against a number of policy objectives and not treat housing in isolation. The capacity in the rural area has not been studied, however sites in larger settlements already have permission and reduce that supply. The future requirement for housing will not be entirely satisfied by sites identified in the UCS and additional sites in the rural area will be needed to ensure rural housing supply is addressed.

## **Local Affordable Housing Need**

I understand you have consulted Housing Services on need and results of a survey. There are two issues to address in rural housing need. The need of the immediate location and surrounding parishes. A more focussed approach on well-serviced centres would be appropriate for housing development, especially for affordable housing to provide opportunities for social and educational need as well. The results of the local parish survey need to be taken into account in determining the need. The site brief explains that there may be a need (no survey had been conducted at the time of preparation) and this should be considered in any proposals. If there is no affordable housing required it would be considered that the four two bed properties proposed need not be a requirement of any development. There is no survey for the surrounding parishes to determine need and whether this development could help satisfy that need to avoid development in settlements with no facilities.

## **General Market Housing**

Reference is made to the support required for local circumstances. Additional work has not been undertaken to assess this level of need in the rural area. The Interim Housing Statement makes an assumption that in restricting rural housing the focus should be where services exist to provide a more sustainable pattern of development. PPG3 does relate to the unviable services. Local Plan review will seek to identify particular concerns and provide additional focus by allocating sites if required. Given existing policies and the interim context the general housing supply is focussed on all well serviced settlements.

As to the level of scale in relation to the existing level, mix or balance our existing policies still consider about twenty houses as large scale. Given the high level of services the proposal would not be considered to be excessive in scale although there is a judgement in relation to the extent of the existing built development and its relationship to the location of the site. In this instance the site's location near the centre of the settlement appears to integrate well.

### **Density**

With regard to density it is correct that PPG3 seeks densities of no lower than 30dph. In rural areas it is always difficult to integrate new housing, and density should be appropriate to the location, achieving higher density where possible. This would indicate that higher density of 16 on site rather than 11 would be more acceptable. This conflicts with the issue of affordable housing that, although not needed, by its size increases density. This is a conflict that can only be addressed by considering the site locations and surrounding setting and consider density appropriate to the site.

**Christopher Hardman**

Chief Local Plans Officer

---

## INTERNAL MEMORANDUM

---

<b>From:</b> HEAD OF ENVIRONMENTAL PROTECTION SERVICES	<b>Please ask for:</b>	Kamla Pattni
<b>To:</b> HEAD OF PLANNING	<b>Extension:</b>	7323
<b>FAO:</b> ALAN TAYLOR - CHEIF BUILDING CONTROL OFFICER	<b>E-mail:</b>	Kamla Pattni
	<b>Your ref:</b>	
	<b>Our ref:</b>	KP/DH

16 January 2003

---

### HOUSING NEED IN CASTLE CARROCK

Further to your e-mail in December and our discussion this week, I apologise for the delay in responding.

The research commissioned through the Cumbria Rural Housing Trust has not identified sufficient current need for social housing.

Although there are issues about the need to take a long term view, it is not practical to pursue social housing in Castle Carrock at the point in time.

Please let me know if you need further information.

**K Pattni**

Housing Strategy Services Officer

66. Any substantial new development, whether a town extension, village expansion or new settlement should not consist exclusively of housing but must be planned as a community with a mix of land uses, including adequate shops, employment and services.

### **CREATING URBAN EXTENSIONS**

67. Planned extensions to existing urban areas are likely to prove the next most sustainable option after building on appropriate sites within urban areas, especially where it is possible to utilise existing physical and social infrastructure, there is good access to public transport (or where new public transport provision can be planned into the development), and there is good access to jobs, schools, shopping and leisure facilities.
68. The Government is strongly in favour of maintaining the Green Belt. There may be occasions however, where Green Belt boundaries have been tightly drawn and there may be a case for reviewing these boundaries and planning for development where this would be the most sustainable of the available options. An extension of an urban area into the Green Belt may, for example, be preferable to new development taking place on a greenfield in a less sustainable location. Nonetheless, the Government regards this as an exceptional policy that should not compromise the objectives for which Green Belts were designated.

### **RURAL HOUSING – VILLAGE EXPANSION AND INFILL**

69. In terms of overall housing provision, only a limited amount of housing can be expected to be accommodated in expanded villages. Whilst occasionally a village could be the basis for a new settlement where, for example, the development accords with the policy of developing around major nodes in transport corridors, most proposals for additional housing will involve infill development or peripheral expansion.
70. Villages will only be suitable locations for accommodating significant additional housing where:
- it can be demonstrated that additional housing will support local services, such as schools or shops, which could become unviable without some modest growth. This may particularly be the case where the village has been identified as a local service centre in the development plan;
  - additional houses are needed to meet local needs, such as affordable housing, which will help secure a mixed and balanced community (see Annex B); and
  - the development can be designed sympathetically and laid out in keeping with the character of the village using such techniques as village design statements.
71. The Government is concerned, however, that there should be adequate housing provision in rural areas to meet the needs of local people. Local planning authorities should therefore make sufficient land available either within or adjoining existing villages to enable these local requirements to be met. The needs of local people for affordable housing may often be best met by the exception policy (see paragraph 18 and Annex B).

## SCHEDULE A: Applications with Recommendation

02/0864

---

**Item No: 02**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/0864

**Applicant:**  
James Lee Reveley

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
16/08/2002

**Agent:**  
Johnston & Wright

**Ward:**  
Burgh

**Location:**  
The Forge, Moorhouse, Carlisle, CA5 6EY

**Grid Reference:**  
333480 556711

**Proposal:** Change of use to include access equipment hire as well as Blacksmiths Forge

**Amendment:**

---

### Report

#### Planning Policies:

#### **Carlisle District Plan Housing - Proposal H17**

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

#### Summary of Consultation Responses:

**Cumbria County Council - (Highway Authority):** awaited;

**Burgh-by-Sands Parish Council:** the Parish Council object for the following reasons:

- the scale and nature of the activity is significantly greater than the previous use of the premises as a forge and is not consistent with the residential nature of the immediate area
- there is concern that the 18 tonne truck has to be either reversed in or out of the

## **SCHEDULE A: Applications with Recommendation**

02/0864

premises on what is an extremely bad bend often with heavy lorries coming around a corner with limited visibility

- it is questioned whether there is only one vehicle movement per day as is stated on the application
- the proposal is inconsistent with the principles within the proposed Interim Housing Policy Statement in the village development section

**Environmental Services:** no objections.

### **Summary of Representations:**

The proposals have been advertised using the display of a Site Notice and written notification to adjacent occupiers. In response three letters have been received, two from neighbours who object to the application with the third being from a neighbour who states that the proposed use is no more intrusive than past use of the site as a forge.

The objections are on the following grounds:

- unsuitable and unsafe access
- testing and moving of plant in a confined space next to residential properties
- deliveries to the applicant's property with increased congestion at the junction
- invasion of privacy while operators are moving the lorry and two cherry pickers as they are taller and drivers/operators can see into neighbouring homes
- the manoeuvring and cleaning of cherry pickers involves their extension up to 40 ft in the air and this is dangerous as it brings them within 6 feet of the neighbouring dwelling and places their young children at risk of objects falling from that height onto them below and onto the neighbours property
- traffic is greater than stated as the applicant also runs a steel fabrication business and taxi business
- noise which disturbs neighbouring families due to activities in the workshop or the loading of the lorry
- the site is unsuitable and results in a major impairment of amenity to local residents and to the village generally

possible pollution/health risks from materials used when pressure cleaning the operator's vehicles/plant

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

The application relates to the dwelling that was for many years associated with the forge and later the village filling station on land to the east. That land was subject to an outline consent granted in August 1990 for development of two dwellings with garages. These were subject of two subsequent detailed approvals for the dwellings in 1993 and 1997 and both plots have been developed in line with these approvals and are occupied.



## SCHEDULE A: Applications with Recommendation

02/0864

### Details of Proposal:

Members will recall that this application was deferred at the meetings held on 4th October, 15th November and 20th December at the request of the applicant's agent. At the first of these meetings Members resolved, in addition to agreeing to deferral, to undertake a Site Visit. That visit took place on 13th November.

The application relates to a cottage and attached forge situated at the eastern end of Moorhouse and seeks approval to use the tarmac yard adjacent to the eastern flank boundary with the neighbouring dwelling as a depot for the operation of an access equipment hire business. The submission of the application follows investigations by the Council's Enforcement staff as a result of complaints they received.

The submission is accompanied by a plan showing that area used for the parking of an 18 tonne flat bed lorry and two no. cherry pickers. Visits to the site have confirmed that the land is already being used, without planning permission, and that has been confirmed by a series of photographs submitted by local residents and by a video recording. It is unclear how long the use has been operated but an accompanying letter from the agent indicates that the applicant has recently purchased the property "to continue to use the forge for steel fabrication and also for the hire of mobile access platforms to be transported by his own vehicle".

Although there is hedging and fencing along the applicant's side boundary the presence of the lorry and cherry pickers is immediately apparent visually, when moved or cleaned within the site or when transported to or from the site. The result is that the amenity of that end of the village, which has become more residential following the development of the two plots to the east of the forge, would be significantly altered by the presence of an activity that would be unneighbourly. The site's location close to a bend in the road has also given rise to road safety concerns although the Highway Authority's comments on this aspect of the application simply recommend that a turning area for the type of large vehicle to be used is provided within the curtilage. That in itself would reinforce the commercial/industrial impact of the use in this location.

Since the last meeting of the Committee further correspondence has been received from the occupier of the adjoining dwelling, one of the two houses built on what was the overall garage/forge site. The writer points out that the former owner and operator of The Forge (until June of this year) had placed a covenant on both the new houses containing clauses to the effect "*not to carry out any business on the property and not to cause any nuisance or annoyance to the vendors, the owners and occupiers for the time being of the adjoining and neighbouring property retained by the Vendor*" and "*not to park, keep or allow to be kept on any part of the property any large commercial vehicle without the previous written consent of the Vendors*". Unsurprisingly, the adjacent occupier contends that if these were considered by the former owner and operator of the forge to be "un-neighbourly", the current proposals

## SCHEDULE A: Applications with Recommendation

02/0864

by the new owner of The Forge must be equally un-neighbourly.

Since the request for deferment prior to the last meeting, there has been no further information/correspondence from the applicant or his agent. The use is continuing and in the light of neighbours' concerns at lack of action in relation to the unauthorised use, Members may feel that the application should be decided.

It is recommended that the application be refused.

### **Informative Notes to Committee:**

#### **1. Enforcement Action authorisation**

Since the development or use to which the above application refers has been commenced without the necessary planning approval having been obtained, enforcement action may be necessary in order to remedy the breach of planning control which has occurred. Members are therefore requested to give authority for such formal legal action as may be required, to be initiated by the Town Clerk and Chief Executive in discussion with the Director of Environment and Development.

---

### **Human Rights Act 1998:**

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

It is considered that the approval of the proposed use as a commercial site linked to plant equipment storage and hire in such proximity to residential properties would be a source of noise, nuisance, disturbance and loss of privacy and amenity and could be strongly argued to be harmful to the rights bestowed on neighbouring occupiers under the Act.

---

**Recommendation:** Refuse Permission

*17 pp. withdrawn  
by applicants*

## SCHEDULE A: Applications with Recommendation

02/0864

1. **Reason:** The use of the land for the purposes sought has resulted in an inappropriate and unacceptable impairment of the residential amenities of adjacent and nearby properties by virtue of increased noise, disturbance, traffic generation and visual intrusion. The proposal has therefore led to an overall loss of amenity in this part of Moorhouse contrary to the provisions of Policy H17 of the Carlisle District Local Plan which seeks to resist development which is detrimental to residential amenity.
-

CROWN COPYRIGHT RESERVED  
Based on the ordinance survey map  
with the permission of the controller of  
Her Majesty's Stationary Office  
Licence Number 100006179



12 AUG 2002  
2002/0864

# Johnston and Wright

Chartered Architects

15 Castle Street Carlisle Cumbria CA3 8TD

tel +44 (0) 1228 525161

fax +44 (0) 1228 515559

e-mail [jw@jwarchitects.co.uk](mailto:jw@jwarchitects.co.uk)

Project The Forge Moorhouse for Mr and Mrs J Reveley Location Plan

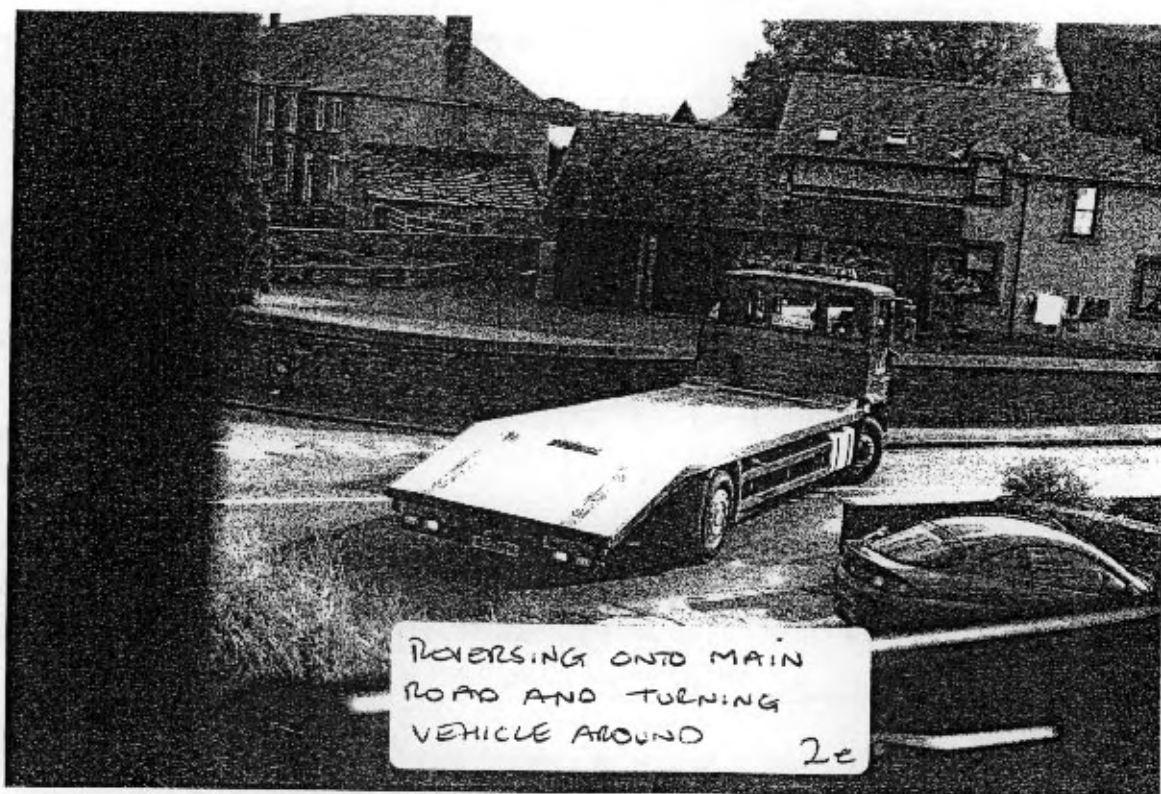
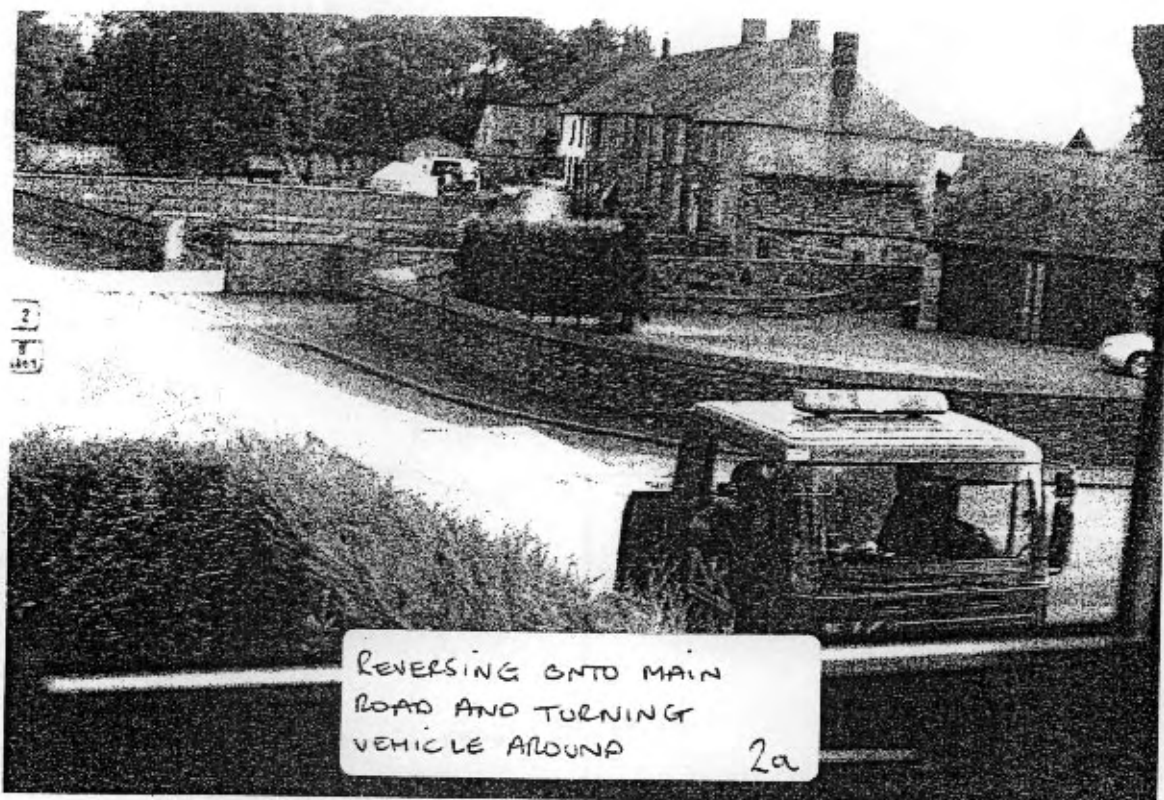
Scale 1/1250

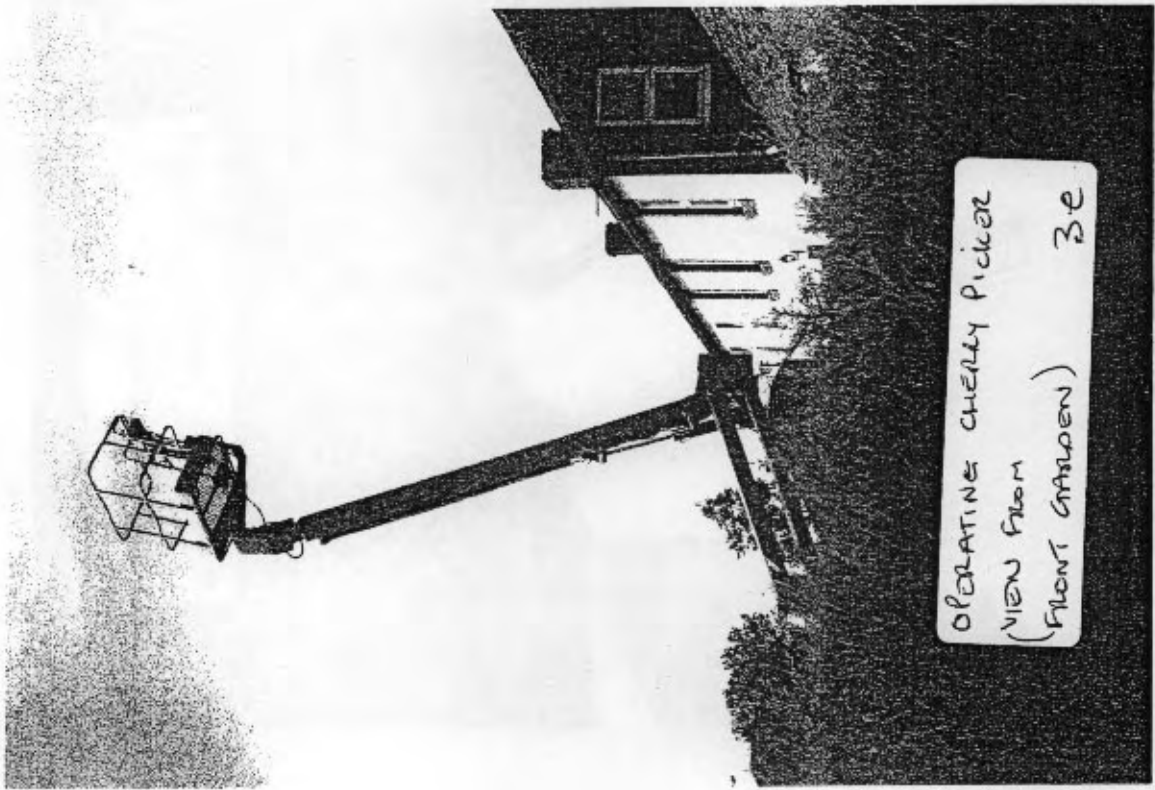
Date 08/02

Drawn am-103-

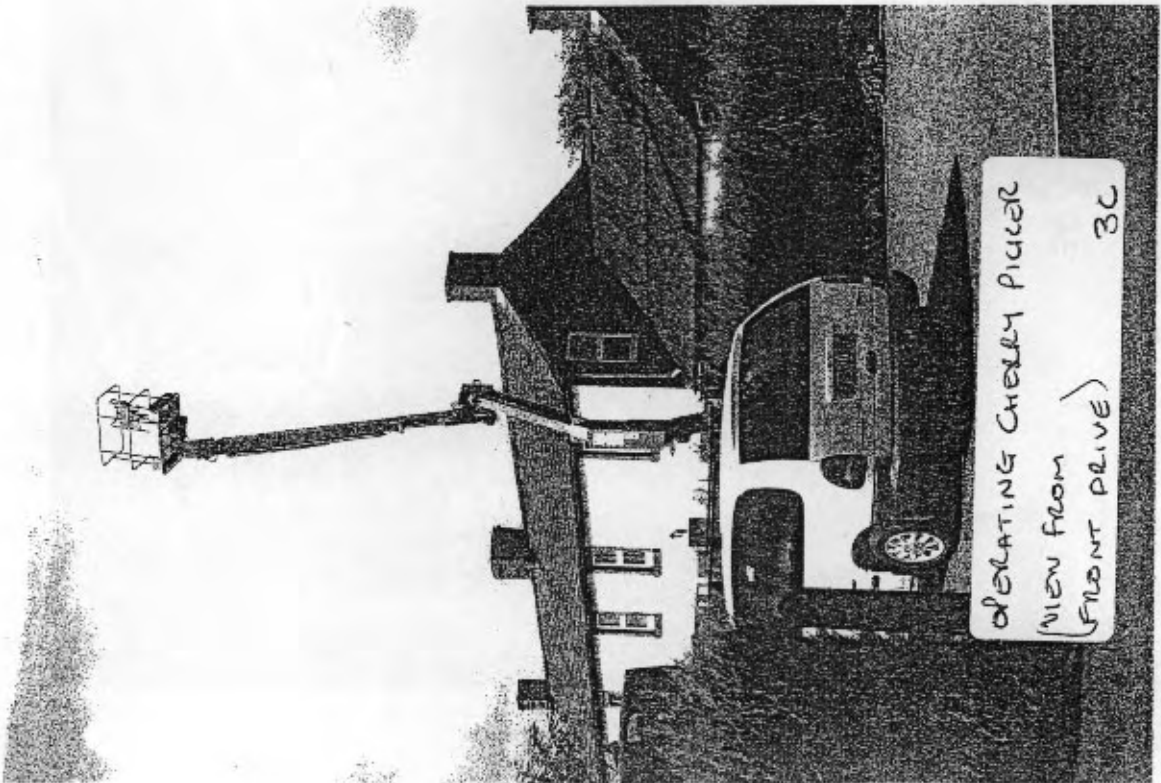
Number 11172-01

THIS DRAWING IS COPYRIGHT. SECURED DIMENSIONS ARE TO BE FOLLOWED UNLESS NOTED OTHERWISE. ALL RIGHTS RESERVED. 2002/0864

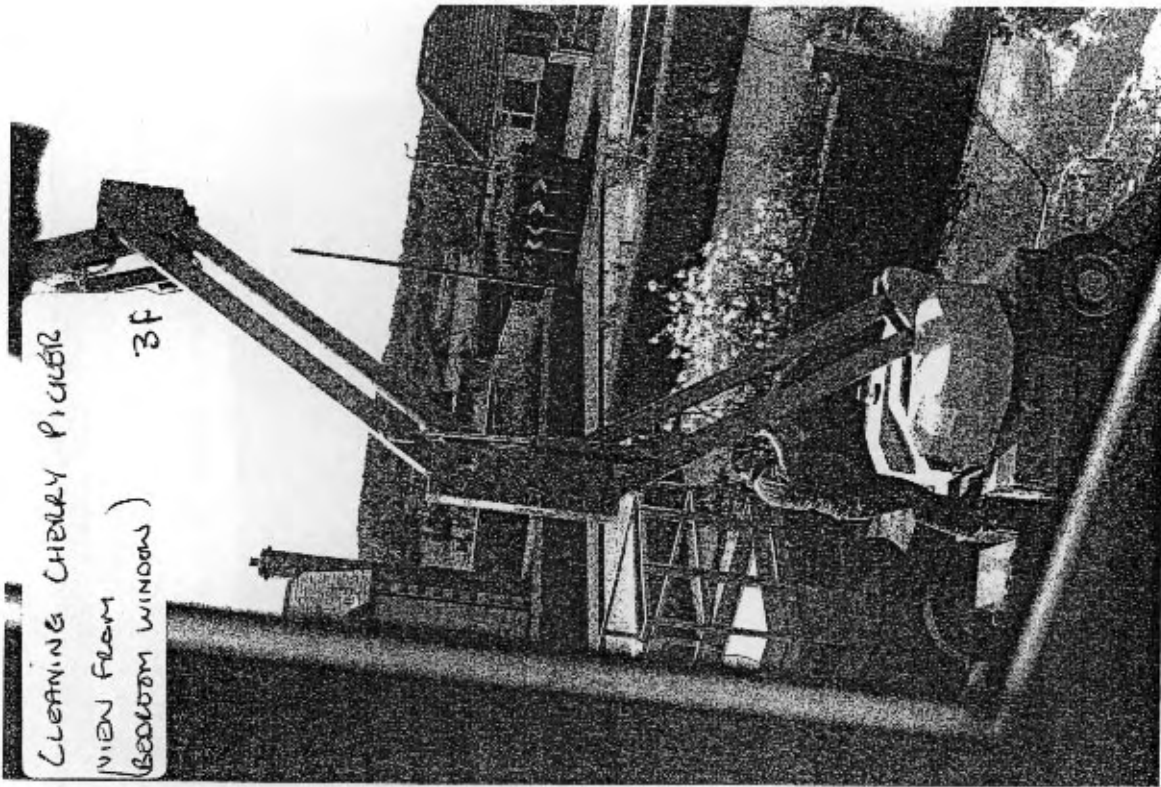




OPERATING CHERRY PICKER  
(VIEW FROM  
FRONT GARDEN) 3E

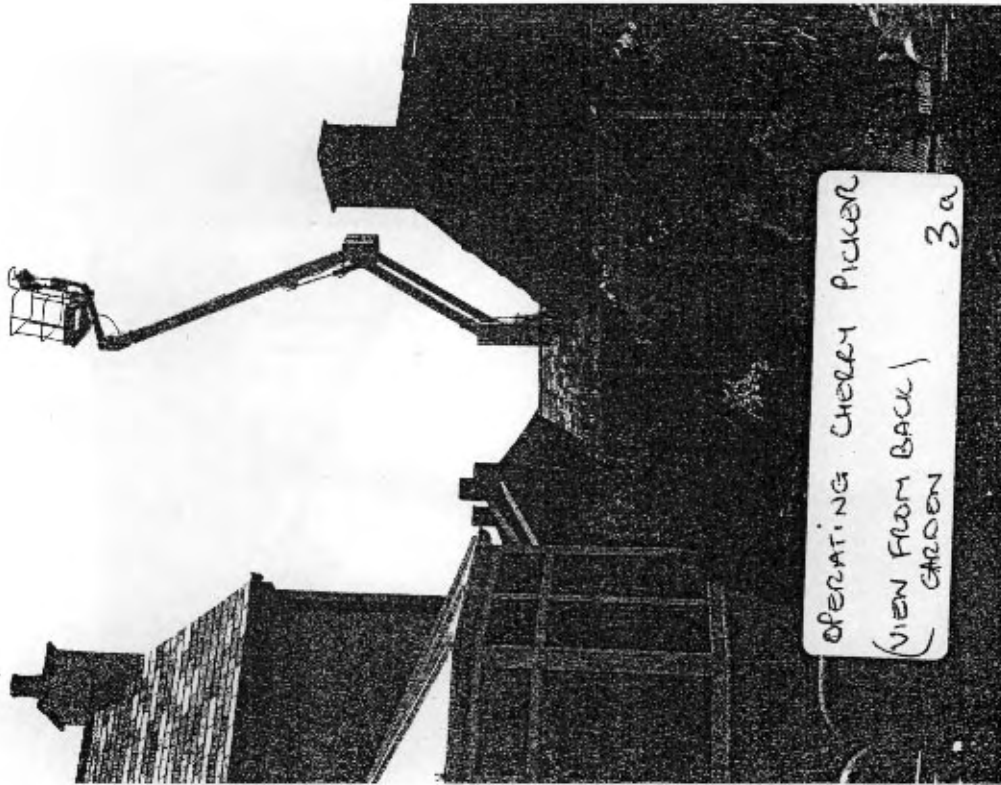


OPERATING CHERRY PICKER  
(VIEW FROM  
FRONT DRIVE) 3C



CLEANING CHERRY PICKER  
(VIEW FROM  
BOTTOM WINDOW)

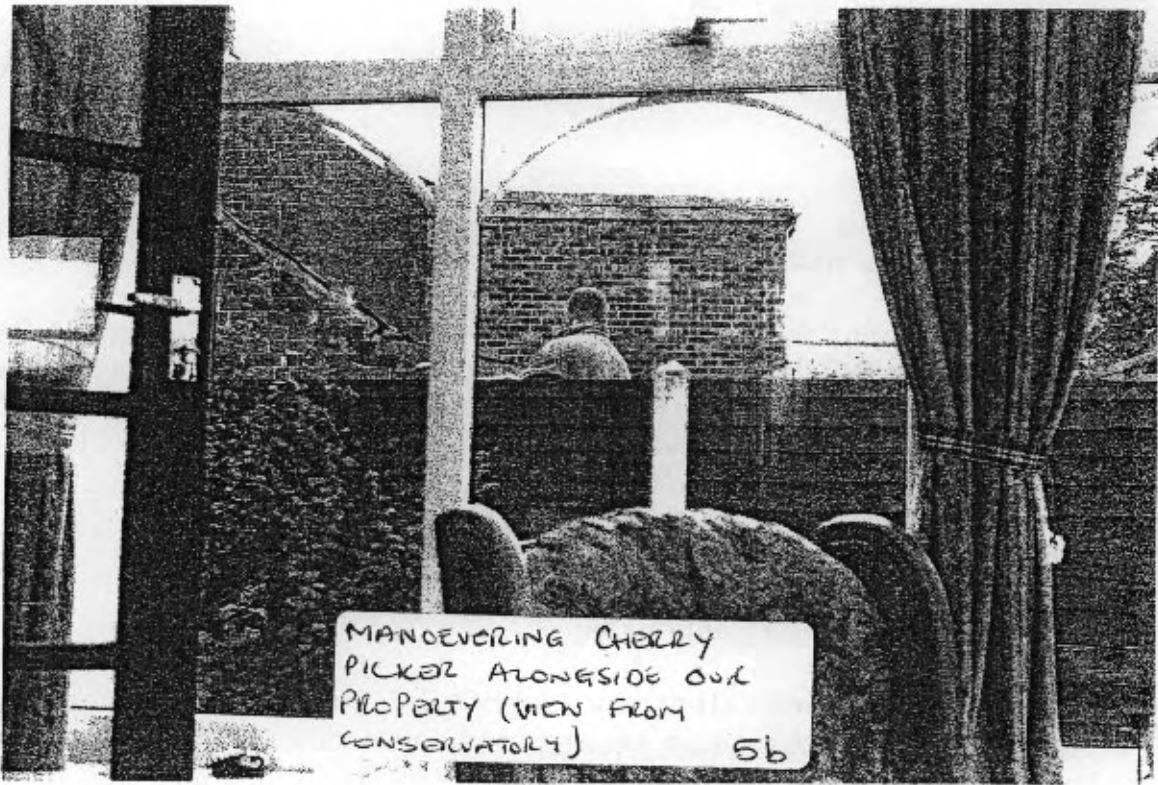
3f



OPERATING CHERRY PICKER  
(VIEW FROM BACK)  
GARDEN

3a







## SCHEDULE A: Applications with Recommendation

02/1150

---

**Item No:** 03

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1150

**Applicant:**  
Partners Foundation  
Group

**Parish:**  
Arthuret

**Date of Receipt:**  
18/11/2002

**Agent:**  
Day Cummins Architects

**Ward:**  
Longtown & Rockcliffe

**Location:**  
21 Arthuret Drive, Longtown, Carlisle, CA6 5SG

**Grid Reference:**  
338068 568300

**Proposal:** Alteration and rear extension of existing 3no. bed bungalow to form fourth bedroom, with en-suite shower room, and dining room

**Amendment:**

K3

---

### Report

#### Planning Policies:

**Ancient Monument**

#### **Explosives Safeguarding Area**

The proposal relates to land or premises situated within or adjacent to an Explosives Safeguarding Area.

#### **Carlisle District Plan Housing - Proposal H14**

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

#### Summary of Consultation Responses:

**Cumbria County Council - (Highway Authority):** Subject to the paved area in front of the property being capable of being used as an additional parking area given the loss of the garage, no objections.

**Arthuret Parish Council:** wish to voice their concerns in support of those

## SCHEDULE A: Applications with Recommendation

02/1150

expressed by residents of Arthuret Drive at their November meeting and ask that the following issues are taken into consideration when the decision on the application is taken by committee:-

1. the property is a 3 bedroom bungalow; this would change to 4 bedrooms with an additional flat for a carer which the parish council believe to be a change of use of the property;
2. the residents "showed us evidence in their lease" that businesses are not allowed to run from these properties; the parish council agree that this would be a business;
3. the elderly people are currently being cared for in Carlisle with access to a number of support agencies and organisations which the parish council do not feel would be available at the same level in a small rural community; "The residents of Arthuret Drive have already stated they would not welcome them to the area and we are concerned that there will be a lack of support from the local community. We do not have the same level of services for vulnerable old people and they should not be placed in an environment that can (*sic, but presumably 'can not'*) give them the care they deserve".

### Summary of Representations:

The original application was publicised by site notice and two neighbour letters, latest expiry date 20 December 2002. Fourteen letters of objection were received from residents, a letter of objection was received from the ward member, and a copy of the ward member's letter was further countersigned by 27 residents petitioning against the development. Additional copies of one neighbour's letter of objection have also been sent via Eric Martlew MP and David MacLean MP.

The grounds of objection may be summarised as:-

- concern over the use to which the property will be put;
- restricted access and limited parking on the estate;
- low crime/vandalism which may be lost
- increased danger and disturbance to residents from additional traffic;
- lack of facilities in Longtown for the elderly;
- concern over interface of occupants with children on the estate;
- devaluation of property;
- loss of amenity;
- loss of privacy;
- property inappropriate for the use proposed;
- development considered to be a change of use;
- will result in a house in multi-occupation;
- disappointment at lack of prior consultation;
- restrictive covenants on the deeds to the properties; speculation as to future use/occupants;
- the need for registration by the National Care Standards Commission;
- appearance of the 'flat'conversion';
- encroachment on neighbouring property;
- overshadowing;
- disturbance from building works;
- capacity of the drainage system.

## **SCHEDULE A: Applications with Recommendation**

02/1150

The application has since been amended and the independent flat element of the original proposal deleted. The description of the development has been modified, all those objecting to the original application have been renotified accordingly and a revised site notice has been posted. Representations have been invited by 22 January 2003. To date, two letters have been received which make the following comments:-

- acknowledgement of the improvement the amendments make;
- reiteration of parking concerns;
- concern this is still an unsuitable environment for elderly disabled persons.

Any further responses received will be reported at the committee meeting.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

Planning permission for the erection of 13 bungalows and 15 houses off Arthuret Road was granted on 1 May 1987, reference 87/0189.

#### **Details of Proposal:**

The original application proposed:-

- 1 the conversion of the existing garage and a rear extension thereto to provide an independent sheltered flat; and
- 2 a rear extension and alteration on the opposite flank of the property to provide an additional bedroom, with en-suite shower room, and a dining room.

The independent flat element of the proposal is no longer required by the applicants and has now been deleted from the application. The development is therefore commuted to a single storey rear extension to the south eastern flank of the property. This will project 4.8 metres into the rear garden, have a width of 7.005 metres, with a ridged roof over, and replace an existing conservatory (3m deep x 6.7m wide). The extension will provide an additional bedroom and dining room. In addition, the rear of the existing lounge will be modified to provide the bedroom with an en-suite shower room.

The property comprises a linked detached bungalow, attached to its neighbour at 22 by their adjoining garages, situated on the south west flank of Arthuret Drive and backing on to open fields. The rear boundaries of the site are marked by substantial leylandii hedges. On the site frontage there is a parking space in front of the garage and an access/parking court clear of Arthuret Drive which could accommodate a further three vehicles comfortably. There are no parking restrictions on Arthuret Drive itself.

No covering letter or support statement was submitted with the application but the

## SCHEDULE A: Applications with Recommendation

02/1150

applicants and their agents have since clarified that the development relates to the relocation of elderly female residents with learning disabilities from the former Durranshill Nursing Home. The amended scheme will accommodate three residents and a sleep-in carer, with an additional carer on duty during waking hours.

The intended use has given rise to considerable opposition from the local community in Arthuret Drive but **it is only the physical extensions to the property for which planning permission is required**. Planning regulations and case law are unequivocal on these issues and under the Town and Country Planning (Use Classes) Order 1987, Class C3, the use as a dwellinghouse "... by not more than six residents living together as a single household (including a household where care is provided for residents)" does not constitute a change of use for which planning permission is required. Equally, the proposal neither amounts to a residential institution nor will it result in a house in multi-occupation.

Accordingly, those objections submitted regarding the use of the premises are not material planning issues. Nor are the various references made to the deeds to the properties which, even if they remain capable of prosecution, are civil matters. Of the few grounds of objection to the physical extensions that have been received, most have been overcome by the amended plans now submitted.

The only material issues remaining are danger from additional traffic, parking facilities and capacity of the drainage system. There are no objections to the application on road safety grounds from the Highway Authority who are also satisfied that adequate parking facilities are available. Concerns regarding drainage capacity are not, in my view, founded in that the number of people ultimately occupying the house could be less than those occupying the original three bedroom dwelling.

I am satisfied that the development proposed accords with the Local Plan policy on extensions to dwellings, that there will be no demonstrable harm to any interests of acknowledged importance, and recommend that planning permission be granted.

*C. J. [Signature]*

---

### Human Rights Act 1998

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

## SCHEDULE A: Applications with Recommendation

02/1150

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

Article 8 and Article 1 Protocol 1 are relevant but the impact of the physical extensions to the property, the only element for which planning permission is required, will be minimal and unlikely to prejudice such rights.

11-1

P115 →

---

**Recommendation:** Grant Permission ✓

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

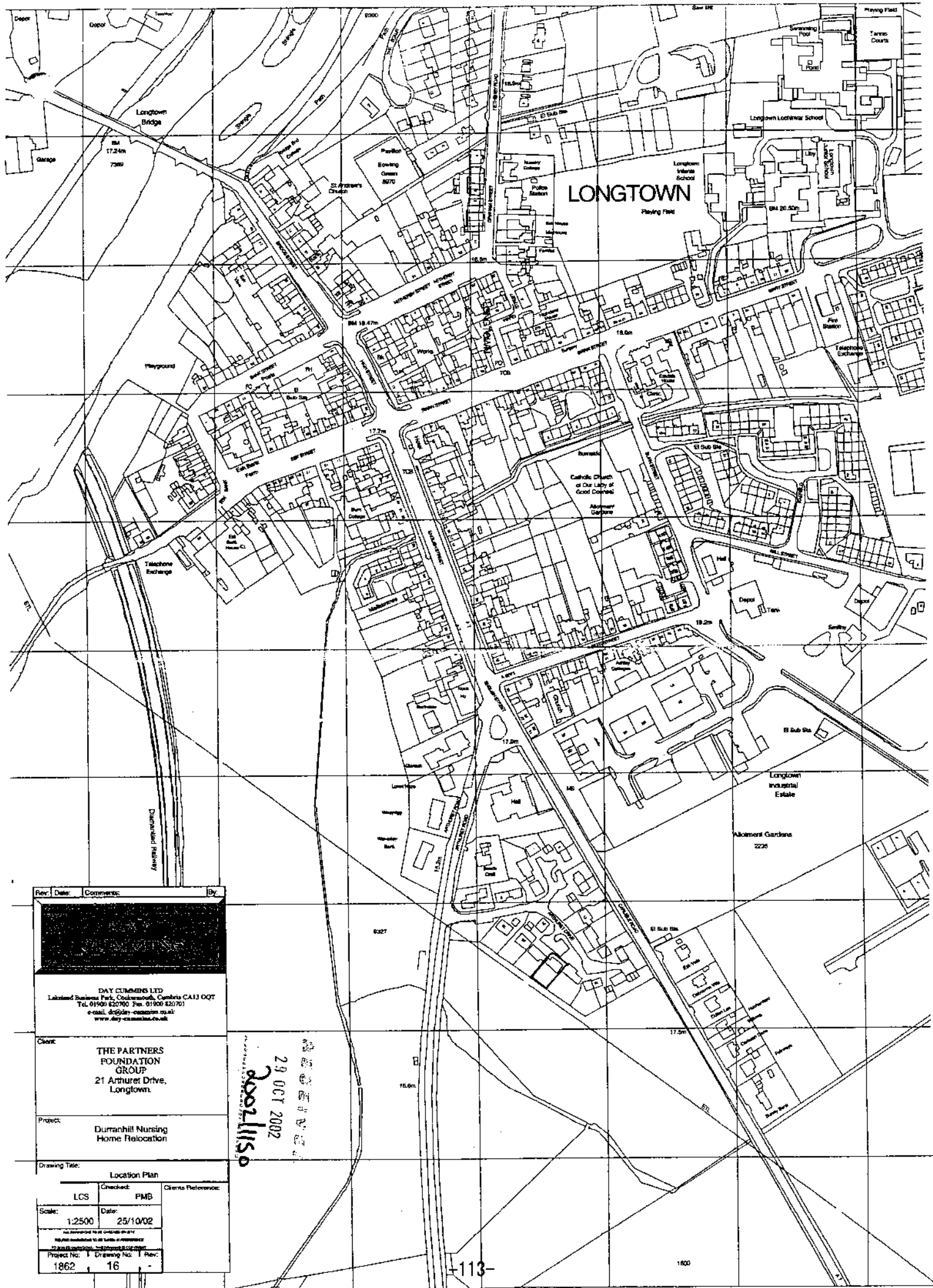
**Reason:** To ensure the works harmonise as closely as possible with the existing building.

3. This permission relates to the development as revised by amended plan, reference '1862 14 A', received on 7 January 2003.

**Reason:** To define the permission.

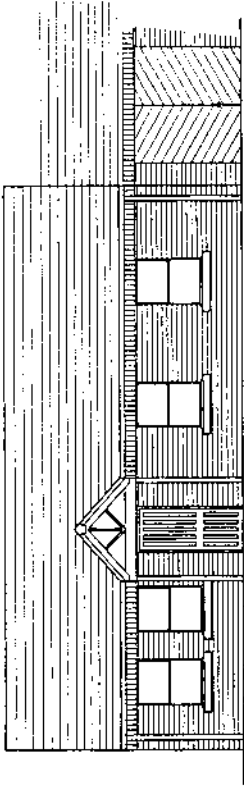
---

Donald Jeff:



Rev.	Date	Comments	By
[Redacted]			
<b>DAY CUMMINS LTD</b> Lakeland Business Park, Crookhampton, Cambria CA13 0QT Tel: 01959 430700 Fax: 01909 430701 e-mail: dc@day-cummins.co.uk www.day-cummins.co.uk			
<b>Client:</b> THE PARTNERS FOUNDATION GROUP 21 Arthur Drive, Longtown.			
<b>Project:</b> Dumanhill Nursing Home Relocation			
<b>Drawing Title:</b> Location Plan			
Checked: LCS		PMB	
Date: 25/10/02		Clients Reference:	
<small>NOT BE RESPONSIBLE TO ANY PARTY EXCEPT THE CLIENT</small>			
Project No: 1862 Drawing No: 16 Rev:			

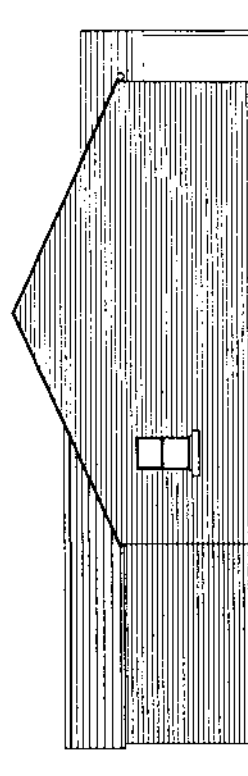
29 OCT 2002  
 2002/1150



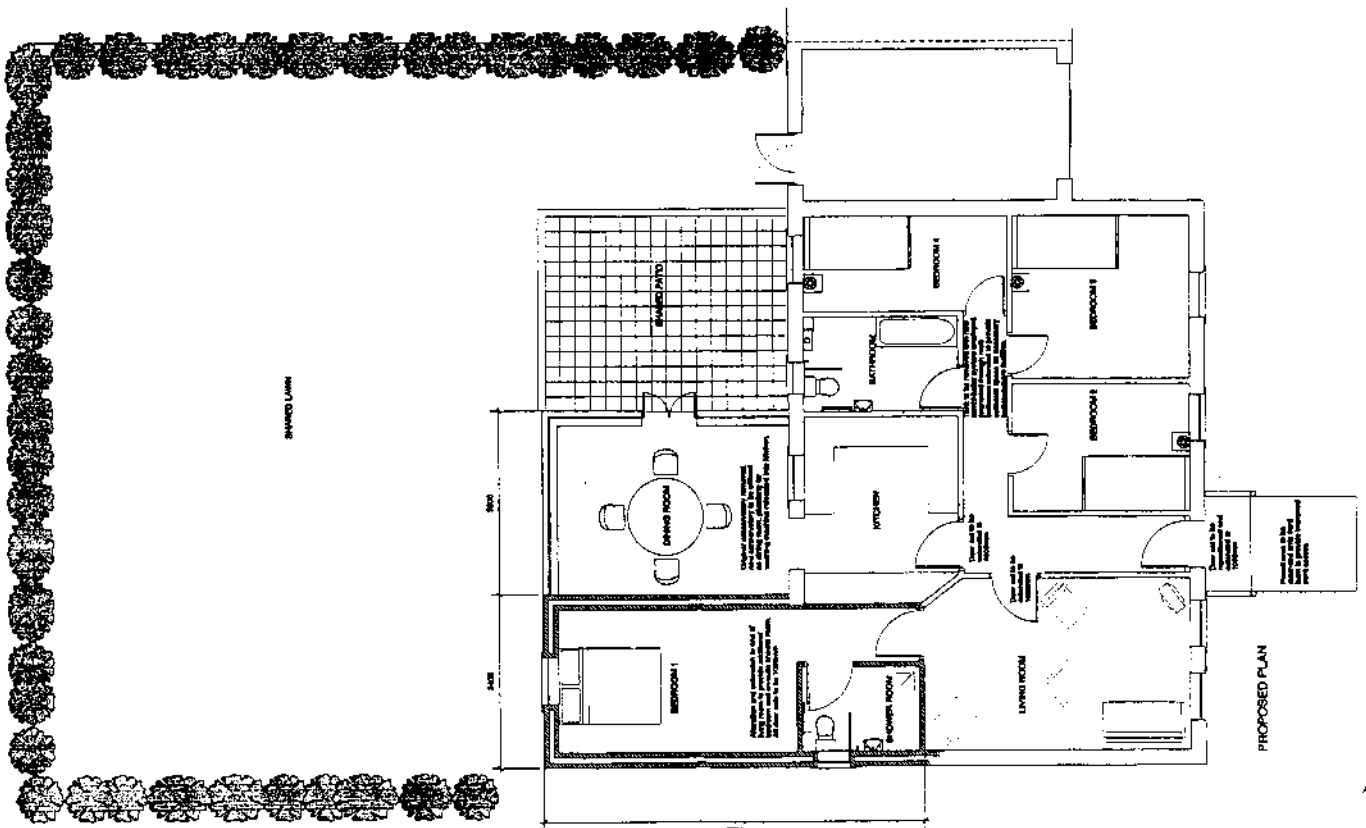
PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION



SIDE ELEVATION



		211 S. ALBERTA ST. LITTLE ROCK, AR 72202 TEL: 501-656-1111 FAX: 501-656-1112
THIS PARTNER GROUP HAS BEEN FORMED BY THE MERGER OF THE FOLLOWING FIRMS: THE ARCHITECTS PARTNERSHIP GROUP, INC. 211 S. ALBERTA DRIVE LITTLE ROCK, AR 72202		PROJECT DORRIS HALL HOME RECONSTRUCTION
SHEET NO. 100	DATE 10/1/02	DRAWN BY J. A.
CHECKED BY J. A.		

## SCHEDULE A: Applications with Recommendation

02/1194

---

**Item No: 04**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1194

**Applicant:**  
Mr A Hunter

**Parish:**  
Carlisle

**Date of Receipt:**  
14/11/2002

**Agent:**  
Jock Gordon

**Ward:**  
Stanwix Urban

**Location:**  
Braeside, 18A Brampton Road, Carlisle, CA3 9HS

**Grid Reference:**  
340561 557191

**Proposal:** Terracing to rear garden (retrospective)

**Amendment:**

CSH

---

### Report

#### Planning Policies:

##### **Conservation Area**

The proposal relates to land or premises situated within the Stanwix Conservation Area.

##### **Carlisle District Plan Environment - Policy E43**

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

#### Summary of Consultation Responses:

**Cumbria County Council - (Highway Authority):** No objection.

#### Summary of Representations:

This application has been advertised by means of site and press notices, and neighbour notification. Although at the time of writing, no objections have been received to the application, a number of letters were submitted whilst the existing structures were under construction. These raise not only the issue of the need for



## **SCHEDULE A: Applications with Recommendation**

02/1194

permission, but also the visual impact of the structure, both from Rickerby Park and adjoining gardens, and the stability of the structures.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

An application for a new detached dwelling between 18 and 20 Brampton Road was first approved in May 1996, under application 96/0212. A revised application was approved in June 2000, which was subsequently implemented. In September this year, a total of five complaints were received regarding structures being constructed in the rear garden. It transpired that although consultation had taken place regarding this proposal, and the view expressed that planning permission was not required, this was not what had been constructed. The applicant was therefore informed that because of their scale, the terraces were an engineering operation which required permission.

#### **Details of Proposal:**

This application was deferred at the meeting on 20th December, to enable members to visit the site. It will be recalled that the application relates to a garden area of a new property recently erected in Brampton Road. This detached house is an infill plot next to the first house in the continuous run of properties on the south side of the road. The gardens of properties on this side of the road slope down to Rickerby Park and the floodplain of the River Eden, and the lower portion of the slope is steep at around 25 degrees. The site is within the Stanwix Conservation Area.

The application was submitted following the construction of two substantial sections of terracing in the garden, as explained in the history section of the report. Photographs of these appear in the schedule. As submitted, the application proposed three terraces, each around 2.6m. in height, of similar construction.

The three issues raised by this proposal are the appearances of the terraces, particularly when viewed from Rickerby Park, the effect on the amenity of adjacent residents, and the structural stability of the terraces.

Since the meeting on 20th December, discussions have continued regarding the details of the proposal. It has been ascertained that the two existing terraces are 3.1m. in height, compared with the 2.6m. of those in the originally submitted application. It has also been established that the profile of the terraces is different from that shown, with a front slope 10 degrees steeper at around 80 degrees.

The applicant has confirmed that the construction of the terraces requires this steeper angle to the front face. He has also amended the submitted proposal from three terraces, of 2.6m. in height, to four smaller terraces. The upper and lower terraces are each a maximum of 1.2m. in height and retain a small section of the two existing terraces. The two intervening structures are each a maximum of 2m. in height. The net result therefore would be two small terraces at the top and bottom, each 1.2m. high by 2.7m. in horizontal extent, and two larger terraces in the middle 2m. high by 5m. in horizontal extent.

The issues identified in the previous report, i.e., the appearance of the terraces, particularly from Rickerby Park, the effect on the new amenity of adjacent residents and the structural stability of the terraces, remain relevant.

In relation to the first point, the site is visible from Rickerby Park, which lies at a lower level at the bottom of the bank, but the view is substantially screened by large trees. The terraces are not therefore as visible or obtrusive as they would otherwise be, and if reduced to 2m. in height as is now proposed, it is not considered that they would have a detrimental impact on the view from the park or on the character of the Conservation Area generally.

In relation to the second point, it will be apparent that the terraces raise the garden level above that of the adjoining properties. In the case of the existing terraces, this difference in level is significant at up to 3.1m. and could be said to impinge on the amenity of neighbours to an unreasonable extent. The proposed reduction in height to 2m. will however significantly reduce the mass of the terraces. It would in fact reduce the maximum height to that of a fence, which could be erected along the boundary without the need for planning permission. Obviously a terrace which extends almost all the way across the width of the site has more impact than a boundary fence, but if they are reduced in size as indicted above, it is considered that this would no longer be a valid basis on which to refuse the application. This judgement also takes into account the proposal to landscape the terraces with appropriate planting which will significantly alter their appearance, so that they are less obtrusive and blend in with the overall appearance of the rear gardens of this part of Brampton Road.

As far as the final point is concerned, details of the construction of the terraces have been submitted and the Chief Building Control Manager has confirmed that they are acceptable.

In conclusion, the amended proposal is considered to be acceptable, and is recommended for approval. Given that the existing structures constitute a start on the development, it is appropriate to impose a condition requiring the approved works to be completed by a specified date. It is suggested that 6 months would be a reasonable period for this to be done.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority

## SCHEDULE A: Applications with Recommendation

02/1194

to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This application could have implications under Article 8 the Human Rights Act. Members need to take this into account in reaching a decision.

---

**Recommendation:** Grant Permission

REFUSE 9-1 (2 objections)

1. The works approved by this permission shall be fully completed in accordance with the approved drawings by 31st July 2003.

**Reason:** To ensure that the approved scheme is completed within a reasonable period and to minimise the disruption and adverse input on the amenity of adjacent residents.

2. The development shall be landscaped in accordance with details to be submitted to and approved by the local planning authority and shall include details of the proposed type and species of all planted material including particulars of the proposed heights and planting densities. The submitted scheme shall be based on the photographs and indicative material submitted with the application.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

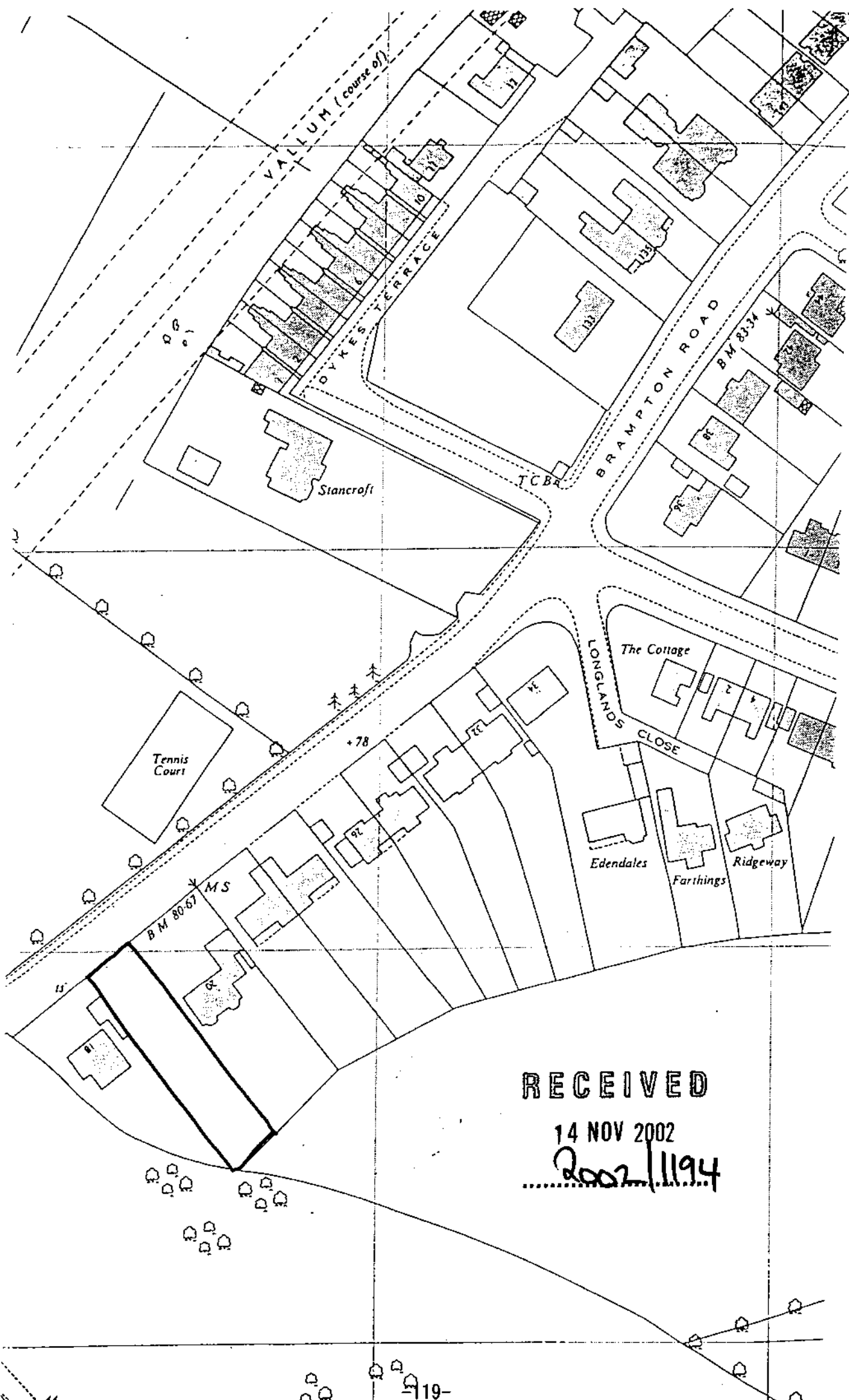
**Reason:** To ensure that a satisfactory landscaping scheme is implemented.

---

Supp P22.  
obj letter

P126 →

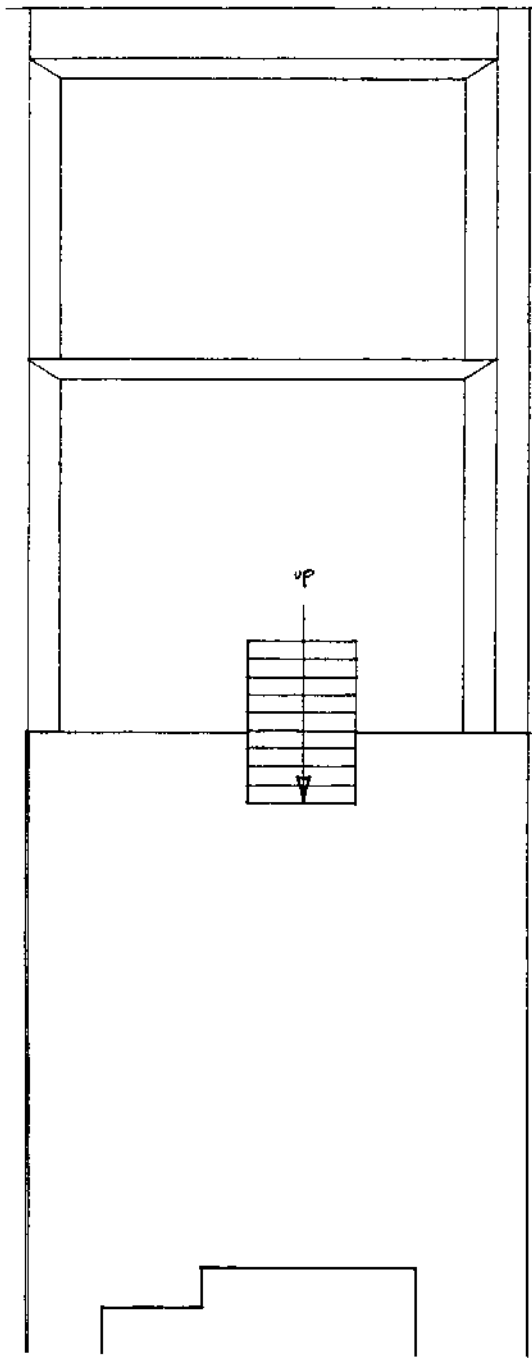
D. Maiton : refers 2/43  
M. Sorely :  
Richard ↓



RECEIVED

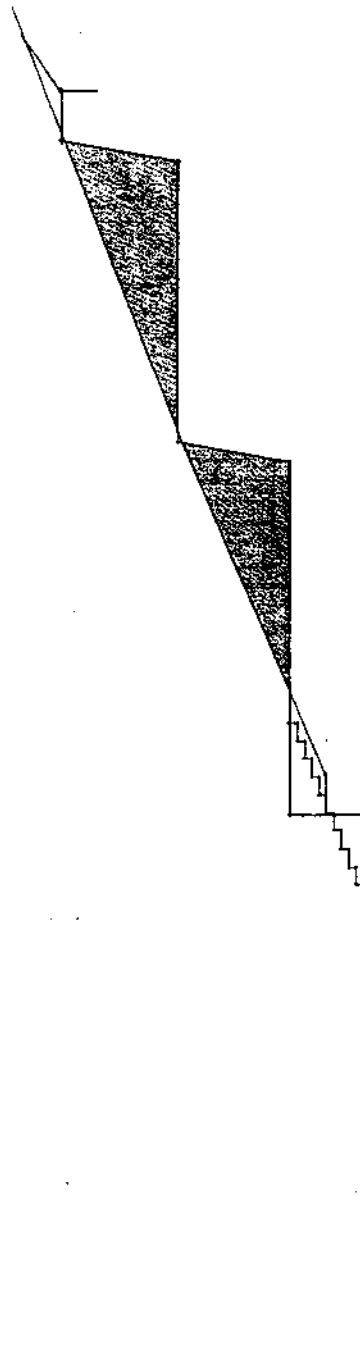
14 NOV 2002

2002/1194



PLAN

SECTION

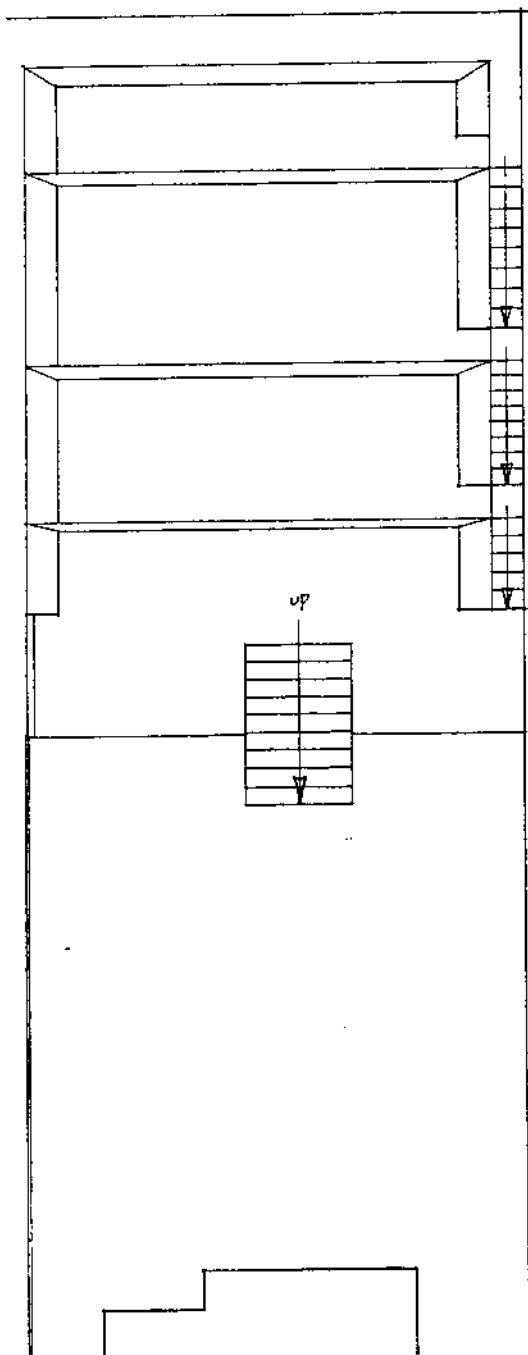


AS BUILT

PROPOSED TERRACING BRAESIDE(18A) BRAMPTON ROAD CARLISLE	
DRG. No. 966/2A SCALE: 1-100 DATE: DEC. 2002	13 JAN 2003 

C

C



PLAN

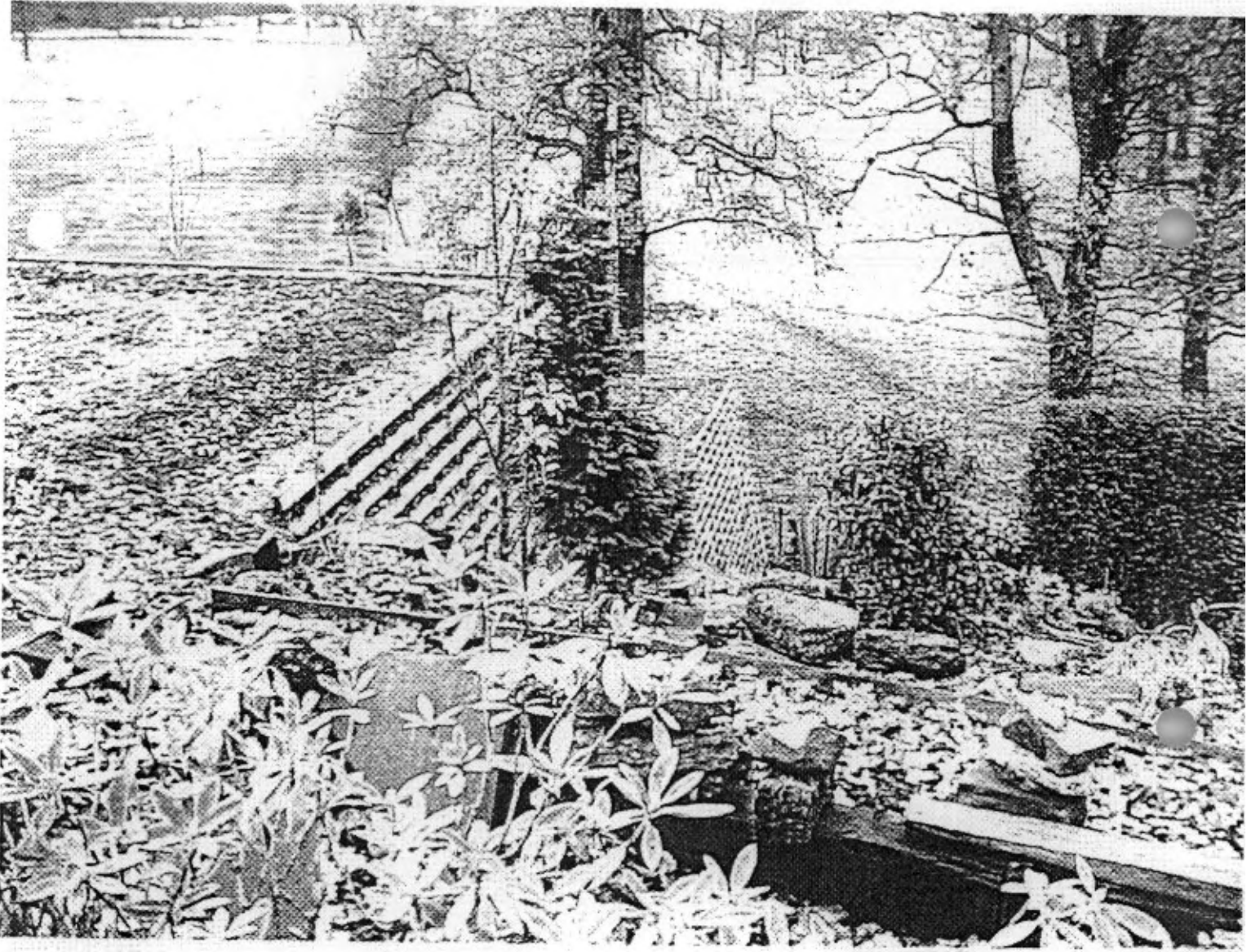
SECTION



PROPOSED ALTERATIONS

PROPOSED TERRACING BRAESIDE(18A) BRAMPTON ROAD CARLISLE		RECEIVED 13 JAN 2003 <i>2002 HLP...</i>
DRG. No. 966/2B SCALE: 1-100 DATE: JAN 2003		

Mvc-003x.jpg





Mvc-002x.jpg





Mvc-001x.jpg



47 SCOTLAND ROAD, CARLISLE, CA3 9HS

---

16 January 2003

John Hamer  
Planning Services  
Carlisle City Council  
Civic Centre  
Carlisle

Dear Sir

TERRACING TO REAR GARDEN  
18A BRAMPTON ROAD, CARLISLE  
APPN. REF. 02/1194

LANDSCAPING SCHEME :

The terracing has a southerly aspect so growth of the plants should be quite quick.

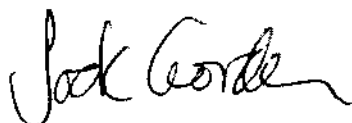
The sides of the terracing facing adjoining properties, east and west, would be planted with a mixture of Hedera Helix - 'Eva', 'Goldheart' and 'Gracilis', which are all evergreen and will cover the cribbage surface without intruding into the adjoining spaces.

The southerly faces of the cribbage would be planted with some of the previously mentioned Hedera Helix varieties plus varieties of Clematis, Schizophragma Viburnoides, Lonicera Japonica 'Halliana' and Jasminum Polyanthum.

The lowest terrace would have one Prunus 'Shogetsu' and two Prunus 'Yae-murasaki' planted in front of it.

I have enclosed a photocopy of how the terracing would look when the planting became established.

Yours sincerely



Jock Gordon (Agent)

## SCHEDULE A: Applications with Recommendation

02/1281

---

Item No: 05

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1281

**Applicant:**  
Mr G Wynne

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
03/12/2002

**Agent:**  
Jock Gordon

**Ward:**  
Stanwix Rural

**Location:**  
L/ADJ Crosby Moor Cottage, Crosby-on-Eden,  
Carlisle, CA6 4QX

**Grid Reference:**  
346069 559897

**Proposal:** Erection of 1no detached dwelling (outline)

**Amendment:**

C-3H

---

### Report

#### Planning Policies:

#### **Trunk Road/Motorway affected**

The proposal relates to development which affect a trunk road or motorway.

#### **Carlisle District Plan Environment - Policy E8**

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any exiting wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

## **SCHEDULE A: Applications with Recommendation**

02/1281

### **Carlisle District Plan Housing - Proposal H5**

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmeford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

### **Carlisle District Plan Housing - Proposal H6**

Within the remainder of the Plan area, outside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

### **Cumbria & Lake District Joint Structure Plan Policy 40**

## **SCHEDULE A: Applications with Recommendation**

02/1281

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

### **Cumbria & Lake District Joint Structure Plan Policy 13**

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

### **Carlisle District Plan Environment - Policy E26**

Within the buffer zone of Hadrian's Wall Military Zone World Heritage Site, as defined on the Proposals Map, proposals for development which would have an unacceptable adverse impact on the character and/or setting of the World Heritage Site will not be permitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted providing that:

1. The proposal reflects the scale and character of the existing group of buildings;  
and
2. There is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** On the basis of the proposal to create a new vehicular access to the minor road, the highway authority have no objection to the application.

**Stanwix Rural Parish Council:** The Parish objects to the application on the following grounds:-

1. The proposal is contrary to both national and local policy.
2. The soakaway from the drainage system could cause problems.
3. Increased vehicular access from the A689 is not desirable.

## **SCHEDULE A: Applications with Recommendation**

02/1281

4. This could be a precedent for further development.

**Design Services - Drainage Engineer:** Awaiting comments.

**Cumbria County Council - (Archaeological Services):** The site is close to the Roman Road, Stonegate, and the World Heritage Site. This application should not be approved before an archeological evaluation has been carried out.

**Department of Transport (Highways Agency):** Awaiting comments.

### **Summary of Representations:**

This application has been advertised by means of a site notice and neighbour notification. Four objections have been received from:-

Mr & Mrs Connelly - Cherry Cottage

Mr & Mrs Salkeld - Fell View

Mr K Hampson - South View

Mr W Clark - Kirkham

The issues raised are:-

1. The acceptability of the access arrangements.
2. Drainage.
3. Local and national policy relating to development to rural areas, and in particular the precedent for further development which this would set.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

In November 2002, an outline application for a dwelling in the corner of the adjacent field was refused for the following reasons:-

1. In the absence of any claimed agricultural or other special need, approval of the application would be contrary to Policy H6 of the Carlisle District Plan which is intended to ensure that residential development in rural areas takes place predominantly in recognising all settlements.
2. Development of this area of undeveloped land on the margins of the hamlet of Crosby Moor would extend development into the open countryside and would consolidate the sporadic nature of development in the vicinity detrimental to the rural character of the area and contrary to Policy H6 of the Carlisle District Local Plan.

#### **Details of Proposal:**

Outline planning permission is sought for the erection of a dwelling on land adjacent to Crosby Moor Cottage, Crosby Moor. The site of .01 ha. is presently part of the garden of the existing detached property on the north side of the A689 principal road. The applicant also owns the field to the adjoining fields which extends to the rear of the two adjacent cottages, as far as a minor road leading north from the A869. It is proposed that access to the site shall be from this minor road, and this

## SCHEDULE A: Applications with Recommendation

02/1281

area is therefore included within the site.

It will be noted that the submission of this application follows a previous outline application for a dwelling last year from the same applicant on an adjoining site which related to part of the field. To some extent therefore, the application raises similar issues, but as the site different, it is also necessary to examine the merits of the site now put forward.

In this regard, the site of the current application is part of a developed curtilage, and therefore one of the objections to the previous application, that it involved an encroachment into open countryside, no longer applies. On this basis therefore, it might be argued on behalf of the applicant that this is an infill site.

Nevertheless it is felt that there are fundamental reasons why this application conflicts with policy and should be opposed. Firstly, although policy H5 remains the basis for the determination of individual applications within settlements in the rural area, it has to be considered along with the Interim Housing Policy statement. Although H5 makes reference in para. 4.46 to the possibility of individual infill sites being approved which are outside recognised settlements, this now has to be read together with the advice in P.P.G. 3 and the interim statement, that development in the rural area should be concentrated in sustainable locations where services are available. In practice, this means larger settlements, where schools and shops are located.

Crosby Moor is a small hamlet some 1.5 km east of Crosby-on-Eden. It lacks services and is not therefore a location where development should be encouraged. More particularly, the pattern of development is sporadic, with numerous gaps between individual dwellings. It follows therefore that if this proposal were to be approved, other potential sites could be expected to be put forward, which would be difficult to resist. This would be clearly contrary to the guidelines of the P.P.G. and the interim statement and would have a significant impact on the rural character of the area.

The applicant has offered to conclude a Section 106 agreement, the effect of which would be to preclude any further development on the remainder of the land owned by the applicant. This is not a proper use of Section 106 procedure however, because there is a fundamental objection to the development proposed. In the light of this, officers advise that the offer of a Section 106 agreement should not be accepted, and therefore recommend that the application be refused.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

## SCHEDULE A: Applications with Recommendation

02/1281

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This application does not raise Human Rights Act Implications.

P133 ⇒

---

**Recommendation:** REFUSE 7-2

- Reason:** The application site is located within Crosby Moor, a sporadic group of dwellings which does not constitute a recognised settlement, and lacks basis services. The proposed development is also not put forward as the basis of meeting a local need. The proposal therefore represents an unsustainable form of development, contrary to the objectives of PPG 3 "Housing" and the implementation of Policy H5 of the Carlisle District Local Plan, as explained in the local planning authority's Interim Housing Policy Statement.
- Reason:** Development of this site would consolidate the existing sporadic nature of development in the locality, to the detriment of the rural character of the area, and contrary to Policies H5 and H6 of the Carlisle District Local Plan, and policies 1,13 and 40 of the Cumbria and Lake District Joint Structure Plan.

---

Supp Schedule

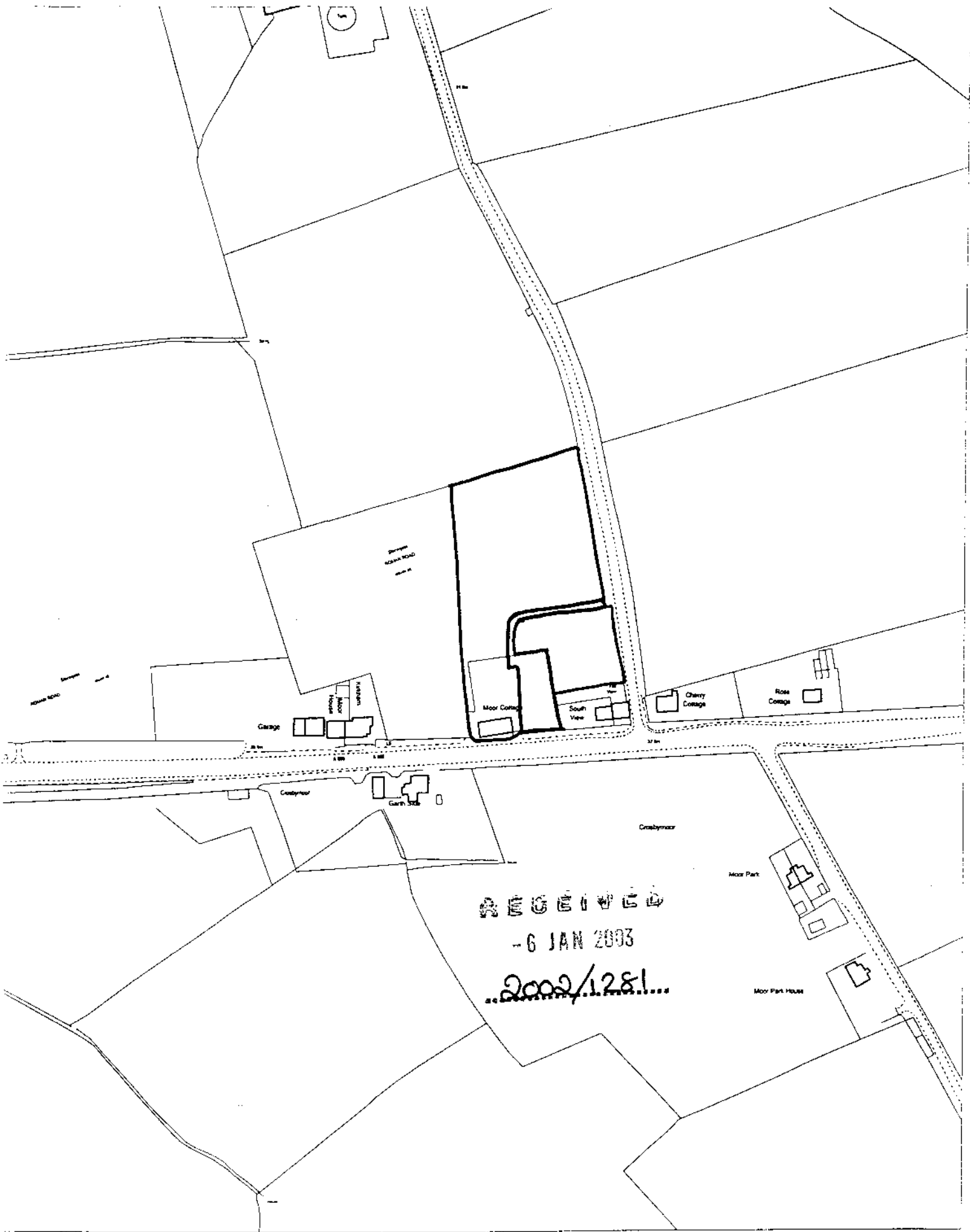
Page 23/24 from T+H

.. 25/28 from applicant

Page 31 - letters from neighbours

lost by 1 small part in an otherwise built up "outage"





CARLISLE CITY COUNCIL

Department of Environment & Development : Planning Services  
Head of Planning : Alan Eales DipTP MRTPI

This copy has been produced specifically for the  
Map Return Scheme purposes only.  
NO FURTHER COPIES MAY BE MADE.

© Crown copyright. All rights reserved.  
Licence number LA077429

-132-

1:2,500

24/6/2002

## SCHEDULE A: Applications with Recommendation

02/0785

---

**Item No: 06**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/0785

**Applicant:**  
Malcolm Wright Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
18/07/2002

**Agent:**  
Architects Plus

**Ward:**  
Harraby

**Location:**  
L/A, Hillcrest Avenue, Hillcrest Avenue, Carlisle

**Grid Reference:**  
341511 554552

**Proposal:** Erection of 12no. 3 bedroom dwellings and three storey block of flats to create 6no. 2 bedroom flats

**Amendment:**

*Angus*

---

### Report

#### Planning Policies:

##### **Carlisle District Plan Environment - Policy E9**

Landscaping schemes will be required for development permitted on the periphery of settlements in order to fully integrate the development with its settlement and the surrounding countryside.

##### **Carlisle District Plan Environment - Policy E22**

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

##### **Carlisle District Plan Housing - Proposal H2**

Within the Primary Residential Areas defined on the inset maps for Carlisle, Brampton, Longtown and Dalston, proposals for new residential development will be acceptable provided that:

1. Existing areas of open space and other amenity areas are safeguarded; and

## **SCHEDULE A: Applications with Recommendation**

02/0785

2. The proposed development does not adversely affect the amenity of adjacent residential property; and
3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and
4. Satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity.

Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

### **Carlisle District Plan Housing - Proposal H11**

Proposals for housing development in large back gardens or behind existing housing developments will be acceptable providing that:

1. The scale, design and siting of the proposal is appropriate for the site and is in keeping with the character and quality of the local environment; and
2. There is no loss of amenity to surrounding properties; and
3. Existing landscape features are retained and additional planting is included as an integral part of the scheme; and
4. Appropriate access and car parking can be achieved.

### **Carlisle District Plan Housing - Proposal H16**

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** No objections subject to the imposition of four conditions.

**Design Services - Drainage Engineer:** If it is the applicants intention to dispose of surface water via any of the existing combined sewers in or around the site, then some form of controlled discharge in combination with on site storage would be

## SCHEDULE A: Applications with Recommendation

02/0785

required. The details will need to be agreed with the City Council's Drainage Section. Previous comments regarding Sustainable Urban Drainage Methods are still applicable.

I am aware that there may be a public sewer within the development running parallel to the south west boundary. The extent of this sewer is not known. the developer will need to locate this sewer and no building or tree planting should be carried out within 3 metres of this sewer.

If the developer is proposing any of the on site sewers for adoption as public sewers then a submission in accordance with 'Sewers for Adoption'. 5th edition, should be made.

The plans submitted suggest that it is the developer's intention to divert an existing sewer which crosses the site. Full consultations with the Drainage Section should be undertaken prior to proceeding with this work.

Further investigations have been carried out which indicate that it is a private drain which crosses the site.

**Head of Environmental Services:** The submitted Ground Contamination Risk Assessment Report is considered to be satisfactory. The remediation works specified are also considered as suitable. If such work is carried out this Division has no objections to the planning application.

**Leisure & Comm Dev - Landscape Services:** Observations awaited on revised plans.

**Environment Agency (N Area (+ Waste Disp)):** The Environment Agency has no objections subject to the imposition of two conditions and a supplementary informative. The Ground Investigation Report and Method Statement for Remediation complies with the planning requirements for the intended end-user. Development at the site should not cause or have potential to pollute Controlled Waters.

### Summary of Representations:

Publicity for this application, as originally submitted, was in the form of a site notice and the direct notification of the occupiers of 27 neighbouring properties. In response four letters of objection were received. The basic points raised being: the distance between existing housing and proposed is less than the recommended 22 metres; there should be a buffer zone between an existing boundary fence; the proposed garages are right up against a boundary fence which means that anyone could easily get onto the roof of the new garages and jump into neighbouring property; could the Council purchase the land and either build a park for the residents of Hillcrest or leave it to the wildlife; there are not geophysical or environmental reports included with the current plans - still concerned that dangerous chemicals/metals will be released into the atmosphere; existing trees are

## **SCHEDULE A: Applications with Recommendation**

02/0785

not in a poor condition and need to be retained; attention is drawn to paragraphs 4.2, 4.3, 4.4, 8.3 and 8.4 of the Development Brief; the extra traffic created will be unacceptable and cause problems to the existing residents at Hillcrest Avenue; racing pigeons will not be able to fly back with two storey houses only 8 feet (2.4 metres) from a boundary hedge; unclear where the children would play because access to Melbourne Park via Harraby Bridge is not safe; close proximity of plots 1 & 2 to the gabion wall boundary; reduction in landscaping; close proximity of plots 19 & 20 to the western boundary; and, have the current parking standards been met?

In relation to the revised details five letters of objection have been received raising the following additions that: the proposal is similar to the last proposal; the land is not big enough for the development envisaged; Hillcrest Avenue is already heavily congested; fewer accommodation should be put on this land; the plans give little attention to the needs of the road users and could cause an increase of vehicles by approximately 1-7 per dwelling; the size of the gardens give little space for children to play which forces them to play in the streets or on the nearby riverbank; the applicant should consider a small number of 3/4 bed dwellings with ample space; the Committee and local MP are invited to visit the site and discuss the application with residents; the dwellings are close to the boundary and, with the three storey block of flats, lead to a loss in privacy; the housing needs to be greater than 21 metres between facing walls; prefer 14 houses that are semi-detached; the developer should provide houses with their own fences with sufficient space to allow proper maintenance; need for landscaping to compliment the existing area; and, consideration of the application should be deferred until a neighbouring resident returns from being abroad on the 25th November.

An e-mail has also recently been received within which it highlights the discrepancies over the distances between proposed and existing dwellings; the density of the current proposal being in excess of 50 dwellings per hectare; the removal of trees; no approach has been made concerning the private sewer which crosses the site; and, do not feel the proposal is in accordance with paragraphs 2, 3 and 4 of Policy H2 of the Local Plan.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

The site has an extensive planning history when considered as part of the former BT premises. In more recent times planning permission was given in 1994, under application reference number 94/0036, to use the land for the storage of machinery and equipment in connection with a civil engineering contractor.

In 1995, application reference number 95/0415, planning permission was given for the erection of offices, storage and vehicle workshop on land adjoining Petteril Terrace.

In 1998 and 1999, application reference numbers 98/0651, 98/0908 and 99/0019, permission was granted for two buildings lying to the immediate north of the current

## SCHEDULE A: Applications with Recommendation

02/0785

application site to be used as a driving test centre and as offices respectively.

In 1999, application number 99/0205, outline permission was given for residential development.

Members may recall that previous applications, numbers 01/0915 and 02/0284, for the erection of 34 mews apartments, and 22 apartments and 5 terraced houses were withdrawn prior to consideration and determination.

### Details of Proposal:

This application relates to 0.35ha. of land located to the immediate north and west of 1-41 Hillcrest Avenue. The site was previously used for the storage of vehicles, machinery and equipment associated with Malcolm Wright Ltd, a civil engineering contractor. To the immediate north of the site there are allotments whilst to the west is an office. There is a mixture of mature deciduous hedging with hedge trees and timber-fencing along the boundary of the site with the houses at Hillcrest Avenue. Overall the site slopes down from the east to west and is in an elevated position with extensive views particularly of London Road.

The current application seeks full permission to erect six flats and 12 semi-detached houses. The flats are on three floors in a block lying parallel to the western and northern boundaries. The flats and houses are externally finished with brick and rendered walls, and, blue/black roof tiles.

The submitted layout plan shows each flat having a parking space; each house having two spaces; a visitor car park with six spaces; and, the erection of a 1.8 metre high timber fence.

In considering this application it is felt that the following points should be kept in mind:

- a) Ministerial advice contained in PPG3 "Housing" (revised 2000) gives priority over greenfield housing development to the re-use of brownfield land. A need to create sustainable housing developments is emphasised, and ways of building are advised which would create "more sustainable patterns of development ... which would exploit and deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local services". A national 2008 target of 60% of additional housing to be provided on brownfield land or by conversions, is introduced. In the context of general advice to make the best and most efficient use of land PPG3 states that more than half of all new dwellings are built at 20 dwellings per hectare which is a level of land take which is high and can no longer be sustained. In the future local authorities should "avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare) and encourage housing which makes more efficient use of land (between 30 and 50 dwellings per hectare).

PPG3 advice on design is that "in determining applications, local authorities should reject poor designs particularly where their decisions

## SCHEDULE A: Applications with Recommendation

02/0785

are supported by clear plan policies and adopted supplementary planning guidance, including village design statements".

- b) Under the Carlisle District Local Plan the site is identified as being within a Primary Residential Area. Policies H2 and H11 set out to ensure amongst other things that new residential development will not adversely affect the amenity of adjacent residential property, and, that it complements or enhances existing adjacent residential areas. Policy H16 also states that high standards of design in new housing sites and dwellings will be required.
- c) In 1999, the City Council also produced a Development Brief for the site in consultation with local residents. Paragraph 4.2 of the Brief states:

"The scale of the development should reflect that of the surrounding housing on Hillcrest Avenue. However, the slope of the site may offer opportunities to integrate different design solutions, provided the amenity and privacy of the surrounding properties is not prejudiced".

Paragraphs 4.3 and 4.4 go on to state that:

"Existing residential properties on Hillcrest Avenue bound the site to the immediate south and east. Care must be undertaken when designing any housing layout to ensure that the rear elevations and gardens of the existing housing are not directly overlooked. In particular, the rear gardens of 3, 33, 37, 39 and 41 Hillcrest Avenue are either relatively low rear hedges or fences compared with the other houses that adjoin the site. The privacy of these and the other existing properties should not be unreasonably adversely affected by any proposed housing layout, or by the positioning of primary (kitchen, living room) windows on any new housing" (paragraph 4.3).

"The City Council will require adequate distances between principal windows, and between windows and gable ends. These will usually be 21 metres and 12 metres respectively. These distances are the minimum required between existing and proposed housing and between the proposed housing on the site. Where existing housing adjoining the site have low rear boundary hedges/fences, then the distance between the existing housing and the elevations of the new housing may need to be greater than 21 metres. This is in order to ensure that there is no loss of amenity. There should also be adequate space around proposed new buildings to ensure that they can be properly maintained" (paragraph 4.4).

In relation to the issue of design the Brief also explains that:

"The most significant element when integrating new development into the landscape is likely to be the design and form of the buildings. The height, shape, mass and design of the houses and garages etc on the site should complement the character, topography and landscape/site, for example,

## SCHEDULE A: Applications with Recommendation

02/0785

by levelling or drastically altering the site gradient. The design objective should be to harmonise and integrate the development with the landscape setting" (paragraph 6.2).

- d) The site is clearly classed as brownfield and a sustainable location with good public transport accessibility. The site also has a history of a previous outline permission for residential development. In addition, it is acknowledged that the applicants are anxious to build at the highest density acceptable to their potential customers. The extent and design of any associated amenity space is thus also largely a matter for the developers and customers.
- e) In light of the more recent advice contained in PPG3 there is an obvious need to up-date the policies contained in the Local Plan and the principles outlined in the Development Brief. Notwithstanding the guidance within PPG3 advocating higher densities this is clearly not meant to be at the expense of good design or making the living environment for neighbours, who reside in lower density housing, unacceptable.
- f) Although the flats are on three floors they have been designed to take account and advantage of the topography of the site. It is therefore felt that the proposal, when viewed within the predominant context of the existing two storey houses at Hillcrest Avenue would not over dominate or look out of scale.
- g) When considering the issue of amenity, the most seriously affected properties are felt to be 1 - 11, 33, 37 and 39 Hillcrest Avenue. The submitted layout plan shows the distance between the proposed semi-detached houses on plots 10-14 and the existing houses at 37/39 Hillcrest Avenue is approximately 20 metres. The distance between the proposed houses on plots 15-18 and the existing houses at 1,3,5 and 7 Hillcrest Avenue ranges from approximately 32 metres to 42 metres. In such circumstances it is considered that the current proposal would comply with the spirit and objectives of paragraphs 4.3 and 4.4 of the Development Brief.
- h) In relation to the remaining formal comments raised by interested parties Members should be aware that the local planning authority can impose a condition safeguarding existing hedgerows and trees; and, the Highways Authority have not raised any objections. The density of development for the current proposal is approximately 60 dwellings per hectare. The applicant intends to submit revised plans showing the deletion of "plot 14" which will reduce the density to 56.6 dwellings per hectare. Although this figure is in excess of 50 dwellings per hectare as indicated in PPG 3, it is considered that this figure does not represent a maximum ceiling but as guidance influencing any judgement with regard to the Government's objective of encouraging development at a higher density and the issues highlighted above.

The rights of the neighbouring residents are respected, however, the proposal is



## SCHEDULE A: Applications with Recommendation

02/0785

considered acceptable and recommended for approval subject to the receipt of satisfactory amended plans which show the deletion of plot 14.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above, and the rights of the objectors are respected, but in this instance it is not considered that there is any conflict.

P147 →

---

### Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

**Reason:** To ensure that the matters specified are designed to the satisfaction of the local planning authority.

## SCHEDULE A: Applications with Recommendation

02/0785

3. Ramps shall be provided on each side of every road junction to enable wheelchairs, prams and invalid carriages to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the local planning authority for approval before development commences. Any details so approved shall be constructed as part of the development.

**Reason:** To ensure that pedestrians can negotiate road junctions in relative safety.

4. No residential unit shall be occupied until the estate road has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use.

**Reason:** To ensure that the matters specified are designed to the satisfaction of the local planning authority.

5. The visitor parking area shall be constructed in accordance with the approved plans before any flat is occupied and shall not be used except for the parking of vehicles in connection with the development hereby approved.

**Reason:** To ensure adequate access is available for each occupier.

6. Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

**Reason:** To ensure that each dwelling is provided with parking and garage space to the satisfaction of the local planning authority.

7. Before each dwelling is occupied space for at least two parked cars shall be provided together with vehicular access thereto in accordance with the approved plans. The access and spaces for garage/ parking shall be used for no other purpose without the prior approval of the local planning authority.

**Reason:** To ensure that each dwelling is provided with parking and garage space to the satisfaction of the local planning authority.

8. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

**Reason:** To ensure that materials to be used are acceptable.

9. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

## SCHEDULE A: Applications with Recommendation

02/0785

**Reason:** To ensure the works harmonise as closely as possible with the existing building.

10. No development shall take place until details of a landscaping scheme have been submitted to and approved by the local planning authority.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented.

12. Trees or hedges chosen for retention in the landscaping scheme shall not for the duration of the development works be damaged or destroyed, uprooted, felled, lopped or topped without prior written consent of the local planning authority.

**Reason:** To protect trees and hedges during development works.

13. Before any residential unit hereby permitted is completed the respective boundary fencing shall be erected in accordance with the approved plans.

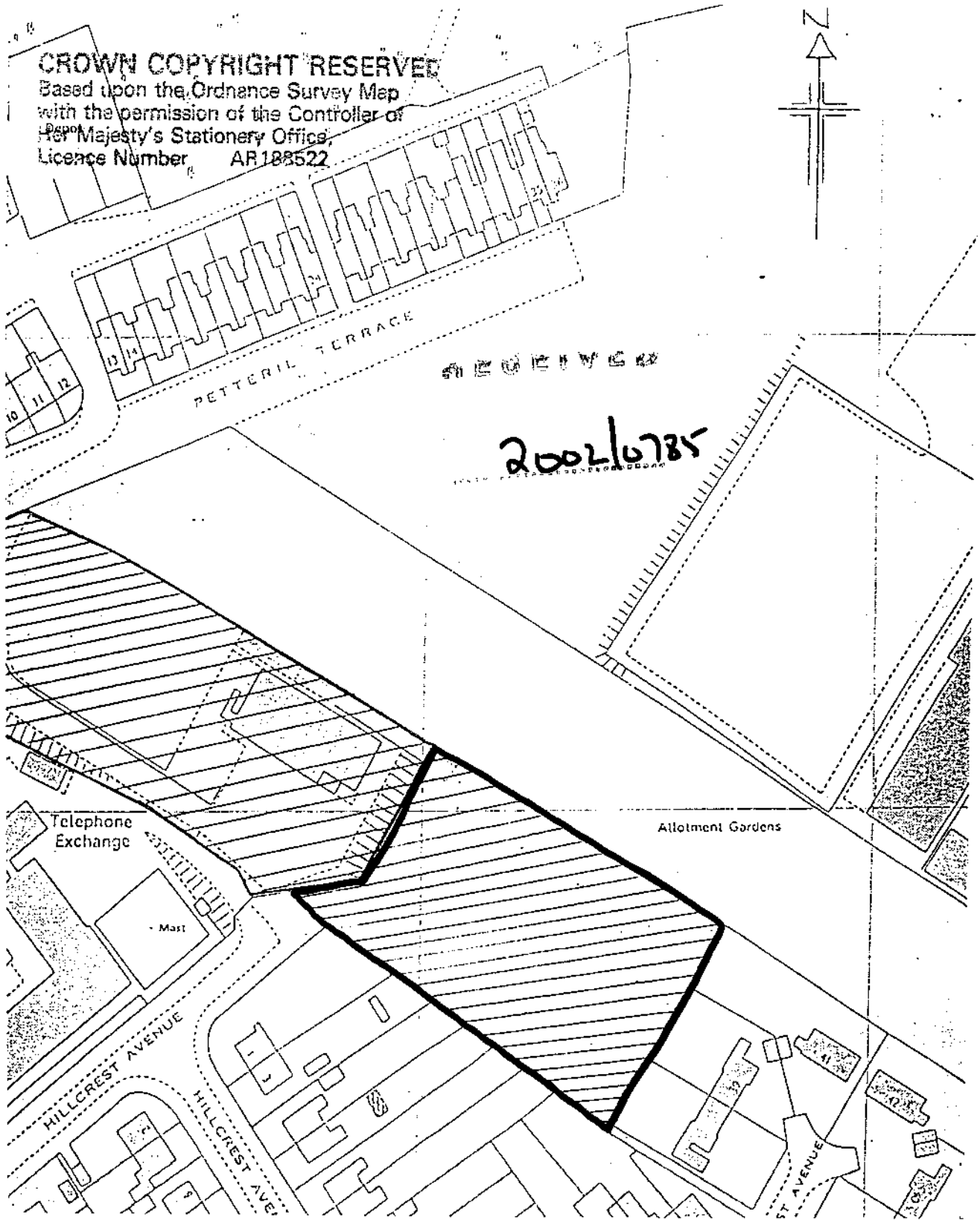
**Reason:** To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

---

Supp page 40  
revised drawing

CROWN COPYRIGHT RESERVED

Based upon the Ordnance Survey Map  
with the permission of the Controller of  
Her Majesty's Stationery Office  
Licence Number AR188522



HOUSING AT HILLCREST AVE CARLISLE FOR MALCOLM WRIGHT LTD.

# ARCHITECTS

P L U S

Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN  
Carlisle (0228) 515144 Annan (0461) 205463 Fax Number (0228) 515033

Scale  
1/1250

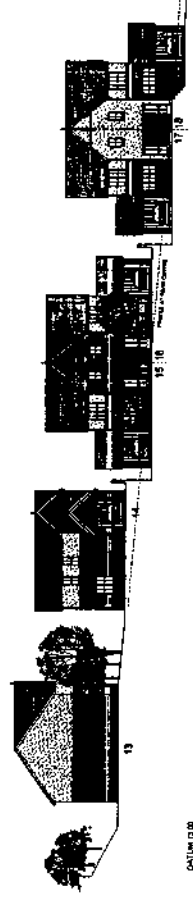
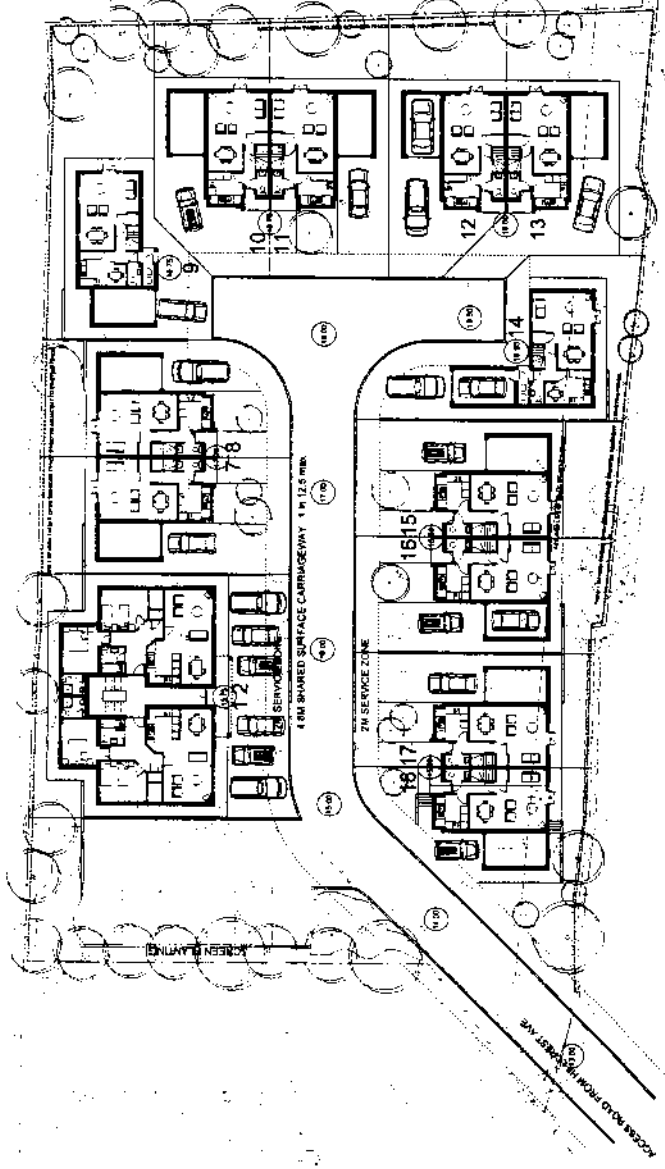
Date  
4/98

Drawn

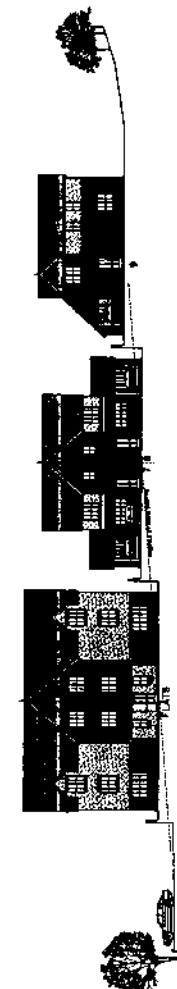
Number  
98021-02

This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

- NOTES  
 1. 3RD TRAMP SEMI DETACHED HOUSES  
 2. 2ND TRAMP DETACHED HOUSES  
 3. 2ND TRAMP FLATS  
 4. 3RD TRAMP FLATS  
 5. 3RD TRAMP FLATS  
 6. 3RD TRAMP FLATS  
 7. 3RD TRAMP FLATS  
 8. 3RD TRAMP FLATS  
 9. 3RD TRAMP FLATS  
 10. 3RD TRAMP FLATS  
 11. 3RD TRAMP FLATS  
 12. 3RD TRAMP FLATS  
 13. 3RD TRAMP FLATS  
 14. 3RD TRAMP FLATS  
 15. 3RD TRAMP FLATS  
 16. 3RD TRAMP FLATS  
 17. 3RD TRAMP FLATS  
 18. 3RD TRAMP FLATS  
 19. 3RD TRAMP FLATS  
 20. 3RD TRAMP FLATS  
 21. 3RD TRAMP FLATS  
 22. 3RD TRAMP FLATS  
 23. 3RD TRAMP FLATS  
 24. 3RD TRAMP FLATS  
 25. 3RD TRAMP FLATS  
 26. 3RD TRAMP FLATS  
 27. 3RD TRAMP FLATS  
 28. 3RD TRAMP FLATS  
 29. 3RD TRAMP FLATS  
 30. 3RD TRAMP FLATS  
 31. 3RD TRAMP FLATS  
 32. 3RD TRAMP FLATS  
 33. 3RD TRAMP FLATS  
 34. 3RD TRAMP FLATS  
 35. 3RD TRAMP FLATS  
 36. 3RD TRAMP FLATS  
 37. 3RD TRAMP FLATS  
 38. 3RD TRAMP FLATS  
 39. 3RD TRAMP FLATS  
 40. 3RD TRAMP FLATS  
 41. 3RD TRAMP FLATS  
 42. 3RD TRAMP FLATS  
 43. 3RD TRAMP FLATS  
 44. 3RD TRAMP FLATS  
 45. 3RD TRAMP FLATS  
 46. 3RD TRAMP FLATS  
 47. 3RD TRAMP FLATS  
 48. 3RD TRAMP FLATS  
 49. 3RD TRAMP FLATS  
 50. 3RD TRAMP FLATS  
 51. 3RD TRAMP FLATS  
 52. 3RD TRAMP FLATS  
 53. 3RD TRAMP FLATS  
 54. 3RD TRAMP FLATS  
 55. 3RD TRAMP FLATS  
 56. 3RD TRAMP FLATS  
 57. 3RD TRAMP FLATS  
 58. 3RD TRAMP FLATS  
 59. 3RD TRAMP FLATS  
 60. 3RD TRAMP FLATS  
 61. 3RD TRAMP FLATS  
 62. 3RD TRAMP FLATS  
 63. 3RD TRAMP FLATS  
 64. 3RD TRAMP FLATS  
 65. 3RD TRAMP FLATS  
 66. 3RD TRAMP FLATS  
 67. 3RD TRAMP FLATS  
 68. 3RD TRAMP FLATS  
 69. 3RD TRAMP FLATS  
 70. 3RD TRAMP FLATS  
 71. 3RD TRAMP FLATS  
 72. 3RD TRAMP FLATS  
 73. 3RD TRAMP FLATS  
 74. 3RD TRAMP FLATS  
 75. 3RD TRAMP FLATS  
 76. 3RD TRAMP FLATS  
 77. 3RD TRAMP FLATS  
 78. 3RD TRAMP FLATS  
 79. 3RD TRAMP FLATS  
 80. 3RD TRAMP FLATS  
 81. 3RD TRAMP FLATS  
 82. 3RD TRAMP FLATS  
 83. 3RD TRAMP FLATS  
 84. 3RD TRAMP FLATS  
 85. 3RD TRAMP FLATS  
 86. 3RD TRAMP FLATS  
 87. 3RD TRAMP FLATS  
 88. 3RD TRAMP FLATS  
 89. 3RD TRAMP FLATS  
 90. 3RD TRAMP FLATS  
 91. 3RD TRAMP FLATS  
 92. 3RD TRAMP FLATS  
 93. 3RD TRAMP FLATS  
 94. 3RD TRAMP FLATS  
 95. 3RD TRAMP FLATS  
 96. 3RD TRAMP FLATS  
 97. 3RD TRAMP FLATS  
 98. 3RD TRAMP FLATS  
 99. 3RD TRAMP FLATS  
 100. 3RD TRAMP FLATS



SECTION LOOKING SOUTH



SECTION LOOKING NORTH

- F 8.01.03 Layout revised - plots 9 & 14 revised R/W
  - G 12.2.02 Layout revised - del. house added S.H
  - H 31.10.02 Boundary fence indicated R/W
  - I 03.10.02 Site layout updated S.H
- Author: [Name] Date: [Date]  
 Draughtsman: [Name] Date: [Date]  
 Surveyor: [Name] Date: [Date]  
 Engineer: [Name] Date: [Date]

# ARCHITECTS

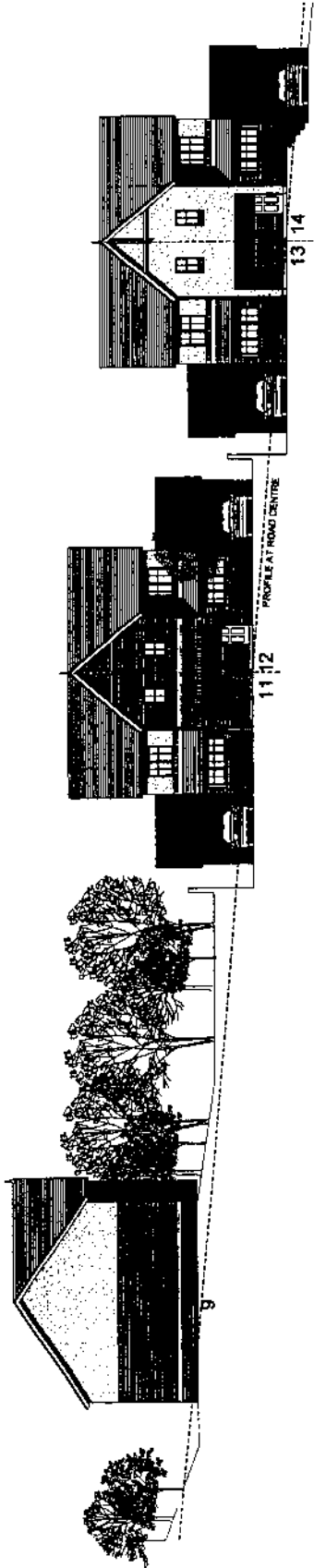
P L L L L L L

10, CANNON STREET, LONDON, EC6A 3DF  
 TEL: 020 7493 3100 FAX: 020 7493 3101  
 E-MAIL: [architects@pllllll.com](mailto:architects@pllllll.com)

Project: HOUSING AT HILLCREST AVENUE  
 FOR: MALCOLM WRIGHT LTD  
 SITE LAYOUT

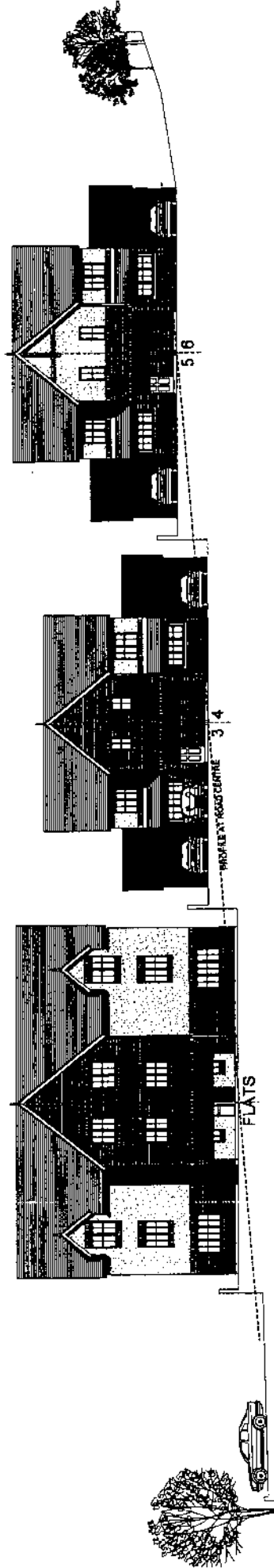
Date	7/2002	Drawn by	DL	Checked by	DL
Scale	1:200	Plot No.	06	Sheet No.	980

24.02.11.02783



DATUM 13.00

SECTION LOOKING SOUTH



DATUM 13.00

SECTION LOOKING NORTH

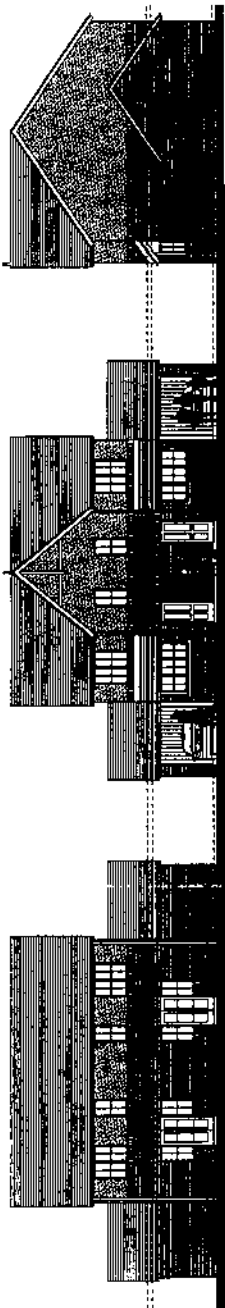
03.10.02 Site layout offered  
 Date  
 3/4  
 Issued by  
 Checked by  
**ARCHITECTS**  
 P L W S  
 VICTORIA BUILDERS, WINDSOR HOUSE, WINDSOR, WINDSOR, WINDSOR, WINDSOR, WINDSOR  
 CONTACT: 01234 56789  
 01234 56789  
 01234 56789

Project  
**HOUSING AT HILLCREST AVENUE**  
**FOR MALCOLM WRIGHT LTD**

Site Sections

Date	7/20/02	Drawn	JAW	Checked	JAW
No	1/100	Scale	0.5mm	Project No	98021-08A

2 out of 10 sheets  
 98021-08A

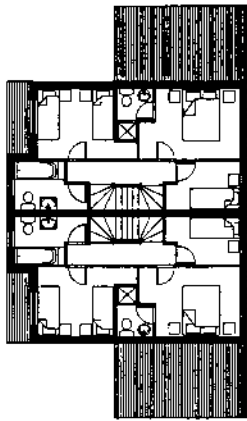


REAR ELEVATION

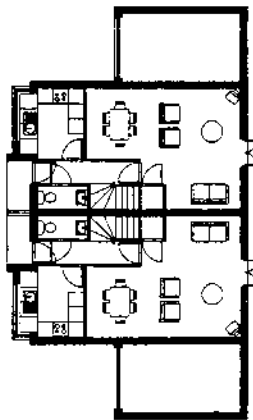
FRONT ELEVATION

SIDE ELEVATION

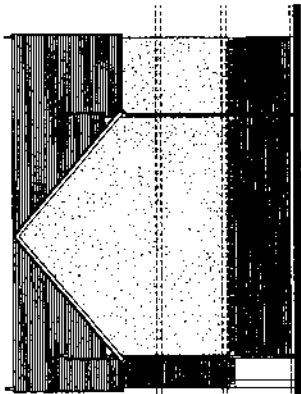
MATERIALS  
 ROOF: BLUE SLATE  
 EXTERIOR WALLS: RED CLAY  
 TERRAZZO: POLISHED



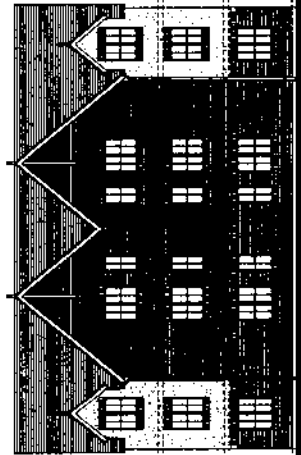
FIRST FLOOR



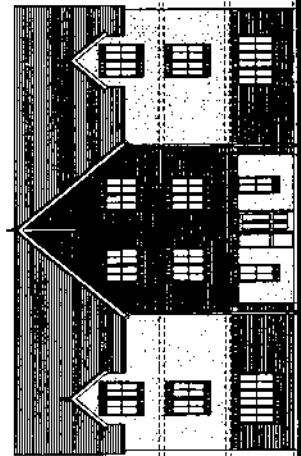
GROUND FLOOR



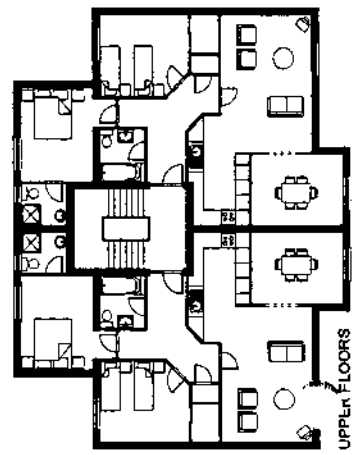
SIDE ELEVATION



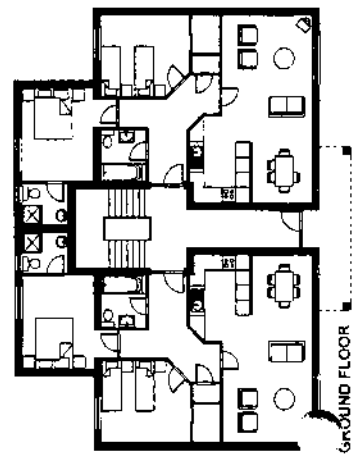
REAR ELEVATION



FRONT ELEVATION



UPPER FLOORS



GROUND FLOOR

MATERIALS  
 ROOF: BLUE SLATE  
 EXTERIOR WALLS: RED CLAY  
 TERRAZZO: POLISHED

Project: HOUSING AT HILLCREST AVENUE  
 FOR MALCOLM WRICHT LTD  
 Drawing: TYPICAL HOUSE TYPE  
 Date: 2/10/72  
 Scale: 1/100  
 Author: J.M.  
 Checker: J.M.  
 Designer: J.M.  
 Draughtsman: J.M.  
 Architect: J.M.  
 2002/0773

**ARCHITECTS**  
 10, GERRARD STREET EAST, TORONTO, CANADA  
 Telephone: 962-1111  
 Telex: 98021-07

## SCHEDULE A: Applications with Recommendation

02/1084

---

**Item No:** 07

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1084

**Applicant:**  
Messrs Splinter

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
15/10/2002

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Stanwix Rural

**Location:**  
Moss Cottage, Houghton, Carlisle, CA6 4JN

**Grid Reference:**  
340800 561200

**Proposal:** Erection of general purpose shed for agricultural purposes  
(retrospective)

**Amendment:**

*John*

---

### Report

#### Planning Policies:

##### **Carlisle District Plan Environment - Policy E2**

Proposals for new farm buildings and extensions to existing agricultural buildings and other farm structures will be permitted, providing that:

1. The building or structure is sited where practical to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening; and
2. The scale and form of the proposed building or structure relates to the existing group of farm buildings; and
3. Within AONB's and Conservation Areas, the design and materials used reflect the overall character of the area; and
4. The proposal would not have an unacceptable adverse effect on any adjacent properties.

##### **Carlisle District Plan Employment - Proposal EM10**

Within the remainder of the Plan area permission will not be granted for industrial, warehousing and commercial development. However, small scale development within existing settlements, the curtilage of existing employment premises, or groups of farm buildings, or moderate extensions to existing premises will be



## **SCHEDULE A: Applications with Recommendation**

02/1084

acceptable provided:

1. There is no unacceptable adverse impact on the local landscape; and
2. There is no unacceptable adverse effect on nature conservation interests; and
3. Adequate access and appropriate parking provision can be achieved; and
4. There is no unacceptable adverse affect on the amenity of any adjacent properties.

### **Carlisle District Plan Environment - Policy E8**

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any exiting wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

#### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** No objection.

**Stanwix Rural Parish Council:** No observations.

**County Land Agent (Capita dbs):** Comments awaited.

**Environment Agency (N Area + Wast Dip):** No objection, subject to conditions.

#### **Summary of Representations:**

This application has been advertised by means of a site notice. No representations

have been received.

### Details of Proposal/Officer Appraisal:

#### **Planning History:**

In 1991, under application 91/0380, an application for the erection of an agricultural worker's dwelling was refused.

#### **Details of Proposal:**

This application was deferred at the meeting on 20th December to enable members to visit the site. It will be recalled that retrospective planning permission is sought for a building which has been erected on land adjacent to Moss Cottage, Houghton. The site is located at the northern end of an unadopted track leading from the C. class road from the A689 towards Scaleby. It is therefore in a relatively unfrequented and remote location. The existing complex of buildings at this location comprises a small bungalow, occupied by the applicant and his mother, a residential caravan and various sheds of varying size. Adjoining this complex of buildings is a yard of some 1200 square metres, occupied by various items of plant and machinery. The building is located in the north western corner of the yard. It is described as a general purpose store, and is 12m x 8.6m in area (103m<sup>2</sup>). It is 5.3m high to the ridge, and is constructed of blockwork and cladding.

Although described as an agricultural building, its appearance and also the appearance and nature of the site raise the issue of exactly what the building is used for.

The County Land Agent's report explains that the applicant's agricultural holding extends to 9.3 ha. This only supports a part time business, and the applicant therefore has a full time job, with additional labour on the holding being provided by his mother. The report also confirms that the building is correctly used for agricultural purposes and that it can be used satisfactorily for the storage of agricultural crops and machinery.

The principal issues raised by this application appear to be twofold:-

#### 1. The need for the building.

In this rural location, permission should only be granted for buildings where there is a bona fide agricultural need, and where the building will in fact be used for agricultural purposes. In this case, although the building is of an industrial appearance, it does seem that this will be the case. The Land Agent's report makes reference to the fact that the new building will in effect replace one of the existing buildings on the site which it to be demolished. It would therefore be possible to attach a condition on any permission granted, requiring this building to be removed by a specified date.

#### 2. Siting.

The building of the building is not ideal, being some distance from the existing

## SCHEDULE A: Applications with Recommendation

02/1084

complex of buildings. The reason for this is not clear, and had the application not been retrospective, a more appropriate siting would have been sought. Nevertheless, this issue is not felt to be sufficient to warrant refusal of the application.

In conclusion, officers consider that on balance that the application should be approved subject to a condition requiring the demolition of the existing building within three months.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This application does not raise implications for the Human Rights Act.

---

### Recommendation: Grant Permission ✓

P161 →

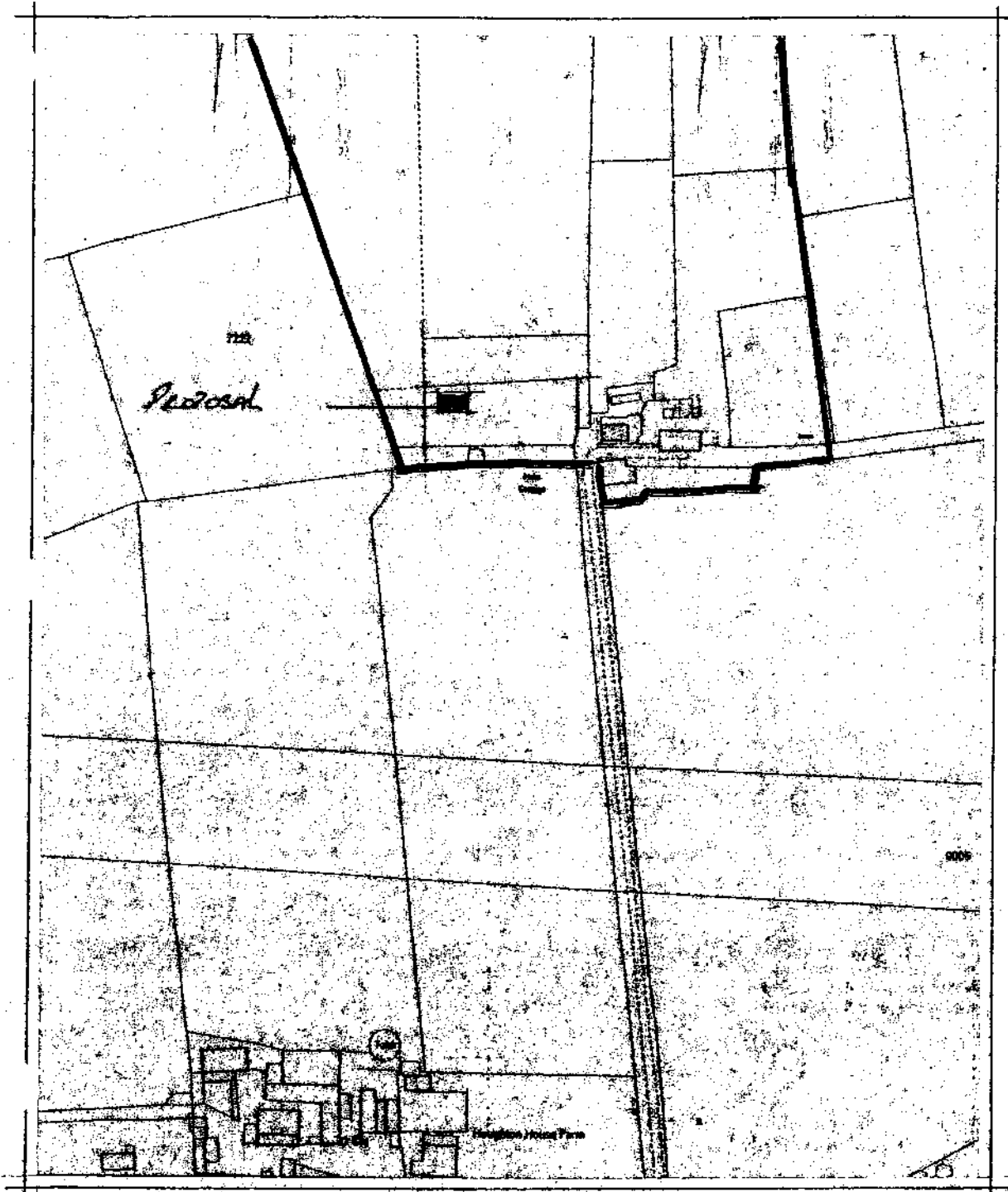
1. Building A shown on the approval shall be demolished and removed from the site on or before 30th April 2003.

**Reason:** There is a strong presumption against development in rural areas and the building hereby approved is only acceptable on the basis that it is a replacement for the building to be removed.

2. The premises shall be used for an agricultural store and for no other purpose including any other purpose in Class B8 of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality.

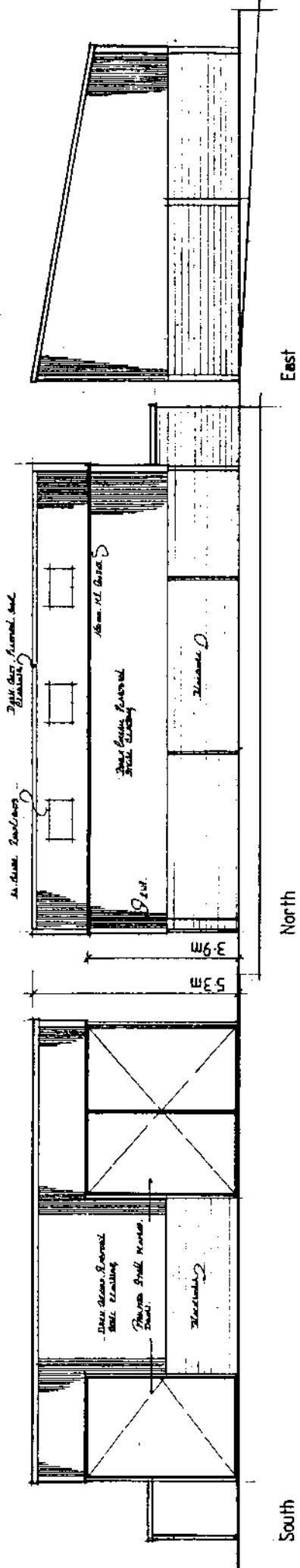
Supp Page 41-  
plan



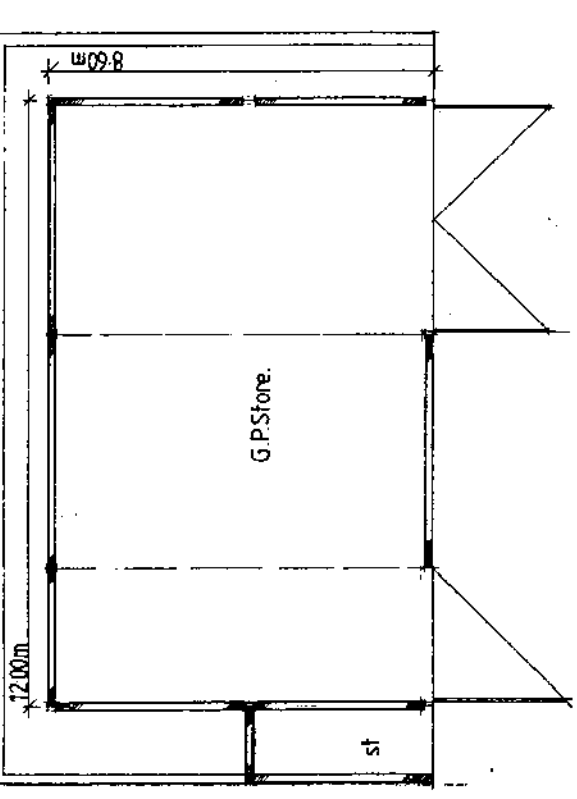
Location plan

1:2500

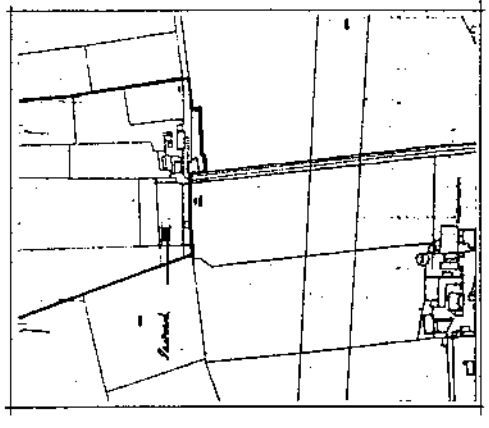
Drawing by <b>W.R. Faulder</b> <sub>51-</sub>	Amendments	



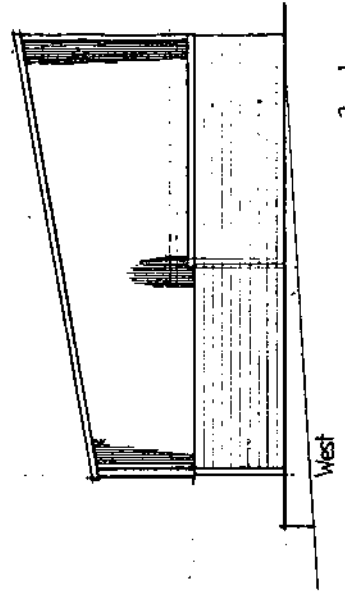
South  
Elevations 1:50



Layout plan 1:50



Location plan  
1:2500



West

Roofline

**TRADA BUILDING DESIGN SERVICES**  
Trada Collins, Liverpool, Cheshire, Ch41 5NA  
Telephone: 01293 74077  
Mobile: 07721 18272

Job title  
**Proposed General purpose shed  
at Moss Cottage, Houghton**

Drawing by <b>W.R. Faulder</b>	Amendments	Client <b>Mr G. Spinter Moss Cottage Houghton.</b>	Dwg No. <b>92 / 2002 / 1</b>
Date <b>12/10 / 2002</b>			Scale <b>As shown</b>

## MOSS COTTAGE, HOUGHTON, CARLISLE

Erection of general purpose shed for agricultural purposes

CAPITA*db*s  
Clint Mill  
Cornmarket  
PENRITH  
CA11 7HP

Tel 01768 242340

December 2002



**Erection of general purpose shed, Moss Cottage, Houghton,**

**1.0 Introduction**

1.1 On 15 November 2002 I was asked by Carlisle City Council to inspect a general-purpose shed erected at Moss Cottage, Houghton, Carlisle, and report on the farming situation in relation to that development.

1.2 I met Mr G M Splinter, on behalf of the applicants, at Moss Cottage on 29 November 2002. The following information was provided by Mr Splinter.

**2.0 Land Occupied**

2.1 The land occupied by Messrs Splinter at Moss Cottage extends in total to 9.3 ha (23 acres) and is made up of the following blocks of land:-

2.1.1 6.06 ha (15 acres) situated adjacent to Moss Cottage and shown edged blue on the application plan. This land is owner-occupied by the applicants, having been acquired by them in 1969.

2.1.2 3.23 ha (8 acres) taken on a seasonal grazing basis at Blackford.

**3.0 Livestock**

3.1 The following livestock are currently kept on this holding:-

3.1.1 5 suckler cows with calves - there is a quota allocation of 4 units.

3.1.2 3 stirks

3.1.3 30 breedings ewes - there is a quota allocation of 30 units.

3.1.4 150 hens

3.2 The offspring from the cows and sheep are sold in the store markets. Prior to Foot and Mouth the applicant had 12 head of cattle.

#### **4.0 Cropping**

4.1 2 ha (5 acres) of the holding are made into big bale silage each year and .1 ha (.25 acre) is used for growing potatoes for home consumption. The rest of the land is in grass for feeding the livestock. Straw for bedding and feeding the animals in the winter is bought in.

#### **5.0 Farm Buildings**

5.1 The following farm buildings are situated adjacent to, but at some distance from the recently erected building:-

5.1.1 An 8-stall byre with 3 adjacent loose boxes within a single storey building with blockwork walls and a corrugated roof.

5.1.2 A timber pole barn used for storing hay.

5.1.3 A small number of purpose-built timber hen houses.

5.1.4 A general-purpose storage building immediately to the rear of Moss Cottage and adjacent to the access track to the holding. This building is of timber-frame construction with timber side cladding and an asbestos cement roof. The



applicant advised this building was now at the end of its useful life and was to be shortly demolished.

## **6.0 Domestic Buildings**

6.1 Moss Cottage is a two-bedroomed cottage with rendered elevations under a slate roof. The applicant also advised that there was a temporary caravan on the site which was used for short-term lettings of between 6 and 12 months. It was vacant at the time of my inspection.

## **7.0 Labour & Residence**

7.1 Mrs Splinter, who is now well into her 70s, resides in Moss Cottage. She works on the holding, feeding and attending to the livestock. Mr G M Splinter, her son, works on the holding at weekends and holidays and deals with most of the heavy work. Mr Splinter lives off the holding working full time for a Civil Construction Company.

## **8.0 The New Building**

8.1 A general-purpose storage building has recently been erected to the west of the existing farm buildings. Details of the building are shown on the applicant's drawing no. 92/2002/1.

8.2 The building measures approximately 12 metres long by 8.6 metres wide. It is of portal steel-frame construction with a monopitch roof and measuring 3.9 metres to the eaves and 5.3 metres to the ridge.

- 8.3 It has dark green plastisol steel cladding above blockwork walls with the same cladding to the monopitch roof. The roof lights, although shown on the drawing as individual lights, are in fact continuous strips along the roof pitch and on the rear elevation. The building has two access doors which are metal framed and steel sheet clad as shown on the drawing. The building has a concrete floor. The small building on the western elevation is to house a generator to provide electricity for the building.
- 8.4 At the time of my inspection the building was used for storing the potatoes harvested from the small area of land to the west, for accommodating a small amount of straw and a number of items of machinery used in connection with the farming enterprise. The applicant advised that the building was to replace the timber building to the rear of Moss Cottage which has reached the end of its useful life. He also advised that one other main purpose of the building was to enable him to gather and hold cattle and load them onto a lorry when they are sent off to market.
- 8.5 Adjacent to this recently erected building was stored a miscellany of construction type items including building bricks, granite sets, various lengths of timber, road planings etc. Mr Splinter advised that these were "left overs" from various construction sites. He advised that he uses the surplus timber for firewood for use by his mother at Moss Cottage, and the planings for repairing the access road.

## 9.0 Labour Requirement

- 9.1 I have calculated the labour requirement on this agricultural holding. It is clearly a part-time business. I calculate the labour requirement is 0.2 of a full-time worker based on the current levels of stocking and cropping.

**10.0 Financial Viability**

10.1 As this is a part-time business and relatively low numbers of livestock are carried, the net farm income on this holding will be only a few hundred pounds per annum.

**11.0 Comments on the New Building**

11.1 The new building is located at a distance from the other farm buildings on this holding although it is within the stack yard area of the holding. It would perhaps have been more logical to have located it closer to the existing farm buildings to assist in the management of the unit eg to minimise the distance in moving livestock or transporting fodder etc between the buildings. Due to its method of construction it has an appearance not dissimilar to an industrial-type building rather than a traditional, modern agricultural building. It is possible this is more to do with Mr G M Splinter being an engineer and working full-time in the construction industry rather than in farming.

11.2 However the building is a general-purpose store and as such can be used for storing agricultural crops used on the holding and for storing farm machinery used on the holding.

11.3 It is perhaps not unusual to have surplus timber stored for firewood for home use or for road planings for repairing potholes in the access road to the holding, however the storage of a number of items of construction materials, for example granite sets and building bricks, is unusual for a farm holding.

**12.0 Conclusion**

12.1 I therefore conclude by advising that although the new building perhaps does not entirely follow traditional construction details for a farm building, it is nevertheless capable of fulfilling its purpose as a general-purpose store in connection with the use of this land for agricultural purposes. Locating it closer to the existing buildings may have resulted in better management arrangements.



A G Jackson BSc FRICS FAAV

CAPITA*adbs*

Clint Mill

Cornmarket

PENRITH

CA11 7HP

*10* December 2002

**COMPLIANCE WITH RICS PRACTICE STATEMENT  
SURVEYORS ACTING AS EXPERT WITNESSES**

I hereby declare that my Report complies with the requirements of the RICS Practice Statement "Surveyors Acting as Expert Witnesses" 2<sup>nd</sup> Edition Published in 2000 and in particular

- (i) that the report includes all facts which the surveyor regards as being relevant to the opinion which he or she has expressed and that the judicial body's attention has been drawn to any matter which would affect the validity of that opinion: and
- (ii) that the report complies with the requirements of The Royal Institution of Chartered Surveyors, as set down in *Surveyors acting as Expert Witnesses: Practice Statement: and*
- (iii) that the expert understands his or her duty to the judicial body and has complied with that duty.
- (iv) 'I believe that the facts I have stated in this report are true and that the opinions I have expressed are correct'

## SCHEDULE A: Applications with Recommendation

02/0422

---

**Item No:** 08

Date of Committee: 31/01/2003

**Appn Ref No:**

02/0422

**Applicant:**

Messrs Metcalfe & Son

**Parish:**

Cumrew

**Date of Receipt:**

16/04/2002

**Agent:**

Coates Associates

**Ward:**

Great Corby & Geltsdale

**Location:**

L/A, Townfoot Farm, Cumrew, Carlisle

**Grid Reference:**

354870 550840

**Proposal:** Erection of 2no. houses

**Amendment:**

1. Revised plans received 21/06/02 showing reduction in the number of proposed units from 5 to 4.
2. Revised plans received 23/12/02 reducing the number of proposed dwellings from 4 to 2.

*Angus*

---

### Report

#### Planning Policies:

##### Conservation Area

The proposal relates to land or premises situated within the Cumrew Conservation Area.

##### Cumbria & Lake District Joint Structure Plan Policy 1

New development will be provided, mainly in the towns, to meet the social and economic needs of the County's population, but in a manner which, through appropriate location, scale, design or use, does not diminish the quality of the environment within the County or beyond, or for future generations.

##### Cumbria & Lake District Joint Structure Plan Policy 2

The County's scenic beauty, natural resources and the quality of its built environment will be protected from inappropriate development, especially those areas and features of international or national conservation importance where harmful development will not be permitted.

##### Cumbria & Lake District Joint Structure Plan

## **SCHEDULE A: Applications with Recommendation**

02/0422

### **Policy 11**

Development and other land use changes detrimental to the present characteristics and qualities of the landscape of the National Parks, AONBs and the Heritage Coast will not normally be permitted. Particular regard will be paid to the protection and enhancement of undeveloped open countryside and coast, the lakes and other sensitive locations, and in addition in National Parks the character of land identified on Section 3 Conservation Maps. Development required to meet local infrastructure needs which cannot be located elsewhere, will normally be permitted provided it is sited to minimise environmental impacts and meets high standards of design.

### **Cumbria & Lake District Joint Structure Plan Policy 25**

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

### **Cumbria & Lake District Joint Structure Plan Policy 26**

Development and other land use changes which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure or remove important archaeological sites or other historic features, or are detrimental to the character or setting of a Listed Building or Ancient Monument will not normally be permitted.

### **Cumbria & Lake District Joint Structure Plan Policy 40**

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

### **Cumbria & Lake District Joint Structure Plan Policy 41**

Housing and employment development within AONBs will normally be permitted provided it is:

## **SCHEDULE A: Applications with Recommendation**

02/0422

- i. small in scale and compatible with the needs of local communities, and
- ii. within or immediately adjacent to existing settlements, except where essential for the working of a farm or involving a conversion of a traditional building for employment uses,
- iii. in sympathy with the character of the settlement and maintains the natural beauty of the landscape.

### **Carlisle District Plan Environment - Policy E3**

Within and adjacent to the North Pennines and Solway Coast Areas of Outstanding Natural Beauty, permission will not be given for development which would be unacceptably detrimental to the present character and quality of the landscape. Development proposals should seek to conserve or enhance the present character and quality of the landscape through appropriate siting, design, materials and landscaping. Large scale development will only be permitted where there is proven national need and lack of an alternative site.

### **Carlisle District Plan Environment - Policy E43**

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

### **Carlisle District Plan Housing - Proposal H5**

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and



## SCHEDULE A: Applications with Recommendation

02/0422

4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmeford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

### **Cumbria & Lake District Joint Structure Plan Policy 30**

Land will be made available outside the National Parks for the following scale of housing development between 1991-2006.

	Dwellings
Allerdale	about 5000
Barrow	about 2500
Carlisle	about 6000
Copeland	about 4000
Eden	about 4000
South Lakeland	about 6000

### **Cumbria & Lake District Joint Structure Plan Policy 31**

Sufficient housing land should be provided to ensure that, at any one time, there exists at least a five year's supply of readily available land capable of accommodating building at a rate which will keep the supply of dwellings in line with the housing requirement for each District as set out in Policy 30.

### Summary of Consultation Responses:

**Cumbria County Council - (Highways Authority):** No objections.

**Cumrew Parish Council:** In relation to the originally submitted plans, and following a Parish Meeting there was a wish to make the following observations. Since villagers consider the two proposals as one development all comments relate to both applications.

The plans were viewed by all those directly affected by the proposal and almost all of the other villagers. The comments below are a summation of points raised.

1. The proposed development will have a dramatic impact on Cumrew village (a small fellside village of approximately 50 residents). It will effectively and immediately double the population.
2. A minority of villagers expressed no objections to the proposal.
3. An equally small number expressed the view that limited redevelopment of the farm buildings could be acceptable if carried out in sympathy with the scale, density and physical characteristics of the rest of the properties in the village.
4. The most commonly held views were those expressing concern that the infrastructure of the village will not be able to cope with such a development.
  - The surface water system will not deal with the run-off from the increase to the paved areas.
  - Proposals for dealing with the sewage from the dwellings is sketchy. The belief, widely held in the village, is that the proposals are inadequate and will lead to sewerage failure in and around the village.
  - The water supply for the village is, for some, of low pressure. Such a development will further exacerbate the problem.
  - Electricity supplies are erratic and despite complaints to the Electricity Supply Company remains so. Once again it is feared that problems, following this proposed development, would be multiplied.
  - Parking proposals for the development are inadequate leading to on street parking in a small rural community.
  - The increase in traffic during and after the development would be both detrimental and dangerous. Representations have been made to the Highway Authority for a limited extension to the existing

## SCHEDULE A: Applications with Recommendation

02/0422

kerbing and footway but to no avail.

Particular comments about the proposed development are:

5. Part of the development will be three storeys high and, as such, is at odds with the scale of the rest of the dwellings in the village.
6. Four and five bedroomed dwellings are not in keeping with the housing density of the rest of the village.

At a meeting on Friday 19th July. The Parish Council agreed to re-affirm the original representations on this proposal. It was also noted that this scheme would not go ahead until the City Council had reconsidered their policy on development in villages.

On the 16th November the Parish Council expressed their reservations about the "second phase" of development at Townfoot Farm because the population on the site could notionally expand from, say 6 to 42, if all the dwellings are occupied by four persons per household. The view expressed was that the village infra-structure may not be able to cope with such a large increase on one site in the village. Comments with regard to most recent plans are awaited.

**English Heritage - (Hist Bldg & Monuments):** In relation to the proposal when it involved the erection of four dwellings the following comments were made:

The township of Cumrew relatively unspoilt example of a north Cumbria agricultural community. It sits in the lap of the hills, and its pattern is based on the existing topography and through-road, as opposed to a heavily engineered urban or semi-urban townscape. Buildings tend to be clustered, with important buildings facing the road, and service or agricultural buildings sometimes to the rear or adjacent. A strong hierarchy of building types is thus created.

A number of the existing buildings are redundant, and no objections are raised to their reuse, although the proposed extensions are generally too large and in some cases dominate the parent buildings.

The real difficulty is the number of new buildings proposed and the impact this will have on the conservation area. The amount of new building is very high considering the context, and the location, layout and detailing of the new proposals will, in my opinion, have a detrimental impact on the conservation area. The housing, with its clinical landscaping and pseudo layout, is simply the wrong approach given the character of the conservation area.

Comments on the amended plans are awaited.

**Environment Agency (N Area (+ Waste Disp)):** The Agency has considered the proposal and wishes to comment as follows:

Surface water run off from this site should be restricted to existing rates in order that

## SCHEDULE A: Applications with Recommendation

02/0422

the proposed development does not contribute to an increased risk of flooding. To the end the Agency has requested the Local Planning Authority to include two conditions together with two informative's to any planning approval.

**Cumbria County Council - (Archaeological Services):** I have checked with the County Sites and Monuments Record and this sites lies within an area of archaeological interest. Documentary references to Cumrew date from the early 13th Century, indicating a settlement within the parish at that time. The field pattern around the village is characteristic of medieval settlement systems. Also, there are features recorded within the proximity of Cumrew village, which indicate prehistoric activity in the area. There is therefore, good reason to believe that this site has an archaeological interest.

Consequently, in accordance with PPG16 and Carlisle District Local Plan (Policy E30), I recommend that further information on the archaeological interest of the site is required before a planning decision is taken. As outlined by PPG16 section 20-22 this information should be obtained by means of an archaeological evaluation. The evaluation should determine the presence, nature and extent of surviving archaeological remains within the development site.

**English Nature:** In regard to the effects of the development on a crayfish population in an adjacent beck English Nature comments as follows:

Provided the beck in question is not part of, or affecting an adjacent, Site of Special Scientific Interest (such as the River Eden and Tributaries SSSI), then English Nature does not require consultation for discharges that may affect white-clawed crayfish. The Environment Agency will set determinands on the discharge as part of the discharge consent and this should ensure that there is no deterioration in the water quality in the beck.

**United Utilities (former Norweb & NWW):** United Utilities have no objection in principle.

A water supply can be made available to the proposed development but our water mains will need extending to serve any development on this site. The developer, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act.

Water pressures in the area are known to be generally low and I recommend that the developer provides water storage of 24 hours capacity to guarantee and adequate and constant supply.

A separate metered water supply to each unit will be required at the developer's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.

A complete soil survey must be undertaken by the developer, as an when land proposal have progressed to a scheme design i.e. development, and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water

## SCHEDULE A: Applications with Recommendation

02/0422

supply.

**Conservation Area Advisory Comm:** The Committee was very concerned about the over development of the village. This scheme for five new dwellings was felt to be completely inappropriate for the village in terms of its scale, density and materials. The scheme completely overwhelms the village and would be an unacceptable intrusion into the street scene of the conservation area.

Following the receipt of amended plans the Committee have made the following comments. Originally 5 dwellings, this proposal has now been reduced to 2. A vast improvement both in numbers and detail. In the case of the proposed forward most unit it is suggested that there is break in the line of the gable and to slightly reduce the size of the dining area. It would also be an improvement to put an arch or lintel over the French door on the south side.

### **Summary of Representations:**

This application was originally advertised in the form of a site notice and the direct notification of the occupiers of 14 neighbouring properties. A total of 15 letters have been received. The issues raised being:

- There is no pavement in front of the proposed five new dwellings and at present the local children play on the road. The proposal would double the size of the population as would the number of cars making it very unsafe for pedestrians.
- The size of these developments makes them out of affordable reach of young people wishing to remain in the village.
- The proposal(s) would destroy the rural nature of the village.
- If the proposal(s) utilises the existing unsatisfactory soakaway the adjoining field will be unworkable as it is now wet and boggy.
- There are owls that feed in and around the site for the proposed houses. Alterations to the hedge will lead to a loss of nesting/roosting sites for a variety of birds.
- The impact on the local wildlife would be great as people would make noise and walk up the lanes around the village causing concern for the habitat of the squirrels, deer, bird population, and, crayfish.
- The sheer size of the combined developments in proportion to the existing village. There would be ten new dwellings in a village of about 18/19 existing properties.
- The density of the proposed buildings.
- Currently there is a poor water supply and an erratic electricity supply.

## SCHEDULE A: Applications with Recommendation

02/0422

- The proposed development will cause inconvenience and have a devastating effect on the residents.
- Proposal(s) will destroy the uniqueness of the village of Cumrew.
- Many of the well preserved grass verges will be damaged or destroyed by the heavy machinery required in the development stage.
- The foot and mouth outbreak is not a relevant factor in considering whether to grant the planning application.
- There are numerous listed buildings within the village. Cumrew House depends upon tourism to survive and it is submitted that a building site/housing estate on the scale proposed within the village will have an adverse effect upon business operated there from.
- The proposal(s) will not only damage the linear layout of the village it will also encroach on Heggie Lonning where there will be "tandem" development.
- In land adjacent to Helme Farm there appears to be a build up of raw sewage emanating from Townfoot Farm. Any increase in dwellings will substantially increase that hazard putting the health and well being of local residents at risk.
- PPG7 advises that new development should respect, and where possible enhance, the environment in its location, scale and design. New development needs to be sensitively related to existing settlement patterns and historic, wildlife and landscape resources. In areas designated for their landscape, wildlife or historic qualities, policies give great priority to restraint.
- The need for additional housing, including additional 4-5 bedroomed executive style housing, in Cumrew would be difficult or impossible to demonstrate. The village has no bus service to speak of.
- It is not accepted that there is a proven local need for development on this site for housing. It is not accepted that the proposed development will, in any way, enhance the existing environment of Cumrew. It is not accepted that the scale of the proposed development, the layout of the site or the design of the buildings is well related to the scale, form and character of the existing settlement. The proposal(s) are considered contrary to Policies 1, 2, 11, 25, 26 and 41 of the Structure Plan and Policies E3 and H5 of the District Local Plan.
- The new build element is not to be built in stone which will be out of character and can only be a decision based on profit to build in block and render.
- Justification for new housing under Policy E43 cannot simply be because

## SCHEDULE A: Applications with Recommendation

02/0422

the new buildings would look nicer than the agricultural ones. The existing buildings were erected under permitted development rights. To now claim they are an eyesore to justify building houses is a twisted mockery of the current system.

- The village has no amenities to support the extra dwellings.
- Has an assessment been made of the impact on local roads with an additional 12 to 24 cars commuting in and out of the village?
- Need to take a wider view and put this development in the context of the recent decision to allow conversions at Netherton Farm to create upto eight new dwellings and the current application at Castle Carrock for a further eleven new houses. Can the locality and local services and amenities really support such an explosion of development?
- The loss of the agricultural element is regrettable in itself. Compounding this loss by then filling in the natural spaces within a small village with inappropriate housing development that pay little or no attention to the individual settings is a tragedy.
- An application which would spoil the feel of a village, cannot be supported by a clear local need, will not use local building materials and cannot be justified under either PPG3, PPG7, the Structure Plan and Local Plan policies should be rejected.
- The existing village consists of approximately 18 dwellings with a population of approximately 33/35 adults and 12 children. The nearest public house is one mile away in Newbiggin and the nearest shop three miles away in Castle Carrock. There is no bus service to speak of and any residents who do not work locally rely upon vehicular transport to and from the village. The area is a haven for wildlife including barn owls, red squirrels and crayfish in St Mary's beck. It is a popular area with holiday makers, walkers, bird watchers etc and the Cumbria Cycle Route passes through the village.
- Cumrew has very special characteristics including its linear form with fields to the west of the village retaining their ancient boundaries. There are several cremation burials dating from pre-Anglican times.
- Not against the redevelopment of the existing farm buildings if done in keeping with the existing character, but concerned about the size and number of the proposed dwellings.

The sympathetic development of existing elderly farm buildings will enhance the attractiveness of the village; no community can remain static forever; and, there is a requirement for further housing in the area. There is, however, concern over the re-development of the "Dutch Barn" site (application reference 02/0422).

The proposed development would enhance the village; bring young families into the

## SCHEDULE A: Applications with Recommendation

02/0422

village; and, concerns over power and drainage are misplaced. In addition, the aforementioned letter alleges that often the most vocal seem to be listened to which can overwhelm the majority opinion.

In relation to the revised plans received on the 23rd December three letters of objection have been received on the following grounds:

- The previous observations opposing the application remain relevant.
- It is difficult to see how a village like Cumrew, which is no more than a hamlet, could cope with any further development. The current infrastructure will be overloaded.
- The impact of the approved development will be to substantially increase the population and resulting traffic etc to a level where the village will struggle to cope and will be at saturation point. To go yet further will have a devastating and detrimental impact.
- No local need has been made out.
- The development has not been designed sympathetically in keeping with the character of the village.
- The site in question is not previously developed land.
- The increased traffic and lack of pavements in the village cause concerns for safety.
- Cumrew has no shop, public house, village hall, public transport, and, school.
- Even though the applicants will cease farming, the surrounding land will continue to be farmed. This means that access through the village will continue to be required by farm animals and machinery which will impact on the increase in dwellings, traffic and population.
- The proposal does not respect or enhance the environment by its location, scale or design. Neither is its sensitively related to settlement patterns.
- As a Conservation Area the proposal would need to positively enhance the conservation area.
- The existing open barn is very much in keeping with the character of this working agricultural village.
- There are no similar dwellings so the development would have a detrimental impact on the overall character and setting of the village within the AONB.



## **SCHEDULE A: Applications with Recommendation**

02/0422

- There are many properties within the village that have outbuildings which could be converted. There are other properties which have sites that are similar to the current site and therefore available for development. If the present application is allowed it will set a dangerous precedent and would open floodgates for further development.
- In recent years there have been 7 new dwellings in the village, making a total of 21 dwellings in total. Permission under 02/0423 will add another 5 dwellings. All this with no improvement in the infrastructure.
- The existing building has already been and continues to be used for storing fodder and farming machinery. It is also very much in keeping with the character of this working, agricultural village, more so than 4 bed. houses.
- Neither of the 2 proposed developments include affordable housing.
- The proposal is contrary to the objectives of PPG3 and the Local Plan Policies.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

Members will recall that last year, under application number 02/0423, planning permission was given for the conversion of outbuildings to form 4no. houses and the erection of a new house at Townfoot Farm.

#### **Details of Proposal:**

Members will recall that consideration of this application was deferred at their last meeting at the request of the applicants, in order to allow the submission of revised details which were received on the 23rd December.

The current application relates to an existing Dutch barn and part of an adjoining field located between a converted series of barns which form three dwellings and the site subject to application number 02/0423. The proposal involves the demolition of the Dutch barn and its replacement by two houses in an L-shaped layout. The houses would have slate roofs, stone quoins and a combination of natural stone and rendered walls - see attached copies.

The application is accompanied by correspondence from the agent and a "Village Appraisal" which indicate that:

- The Appraisal concludes that the current scheme is within the historic boundary; the proposal relates well to the character and layout of existing buildings; there would be no detrimental impact; and, any alternative re-location of the development would be detrimental to the village character.

## SCHEDULE A: Applications with Recommendation

02/0422

- Farming activity will cease in the near future and that Town Foot Farm will no longer exist as a working farm.
- Whilst the loss of a farm may be regrettable, it is evident that farming activity in this village centre location is not sustainable due to the physical constraints of the site.
- The proposed development would lead to the removal of a modern agricultural building; the cessation of dirty water from the buildings/hard surfaces; the installation of a package treatment works discharging clean potable water; and, the cessation of animals walking up and down the village.
- The County Archaeologist has verbally indicated that in respect of 02/0422 there were no objections or comments she wished to make.
- It would appear that a small and vocal minority are attempting to force their own views over the majority, and present them as those of the Parish, when in reality their misplaced views are in the minority.

In considering this application it is felt that the following points need to be kept in mind:

- a) As Members are already aware paragraphs 2 and 3 of PPG3 "Housing" explain the Government's aim of promoting more sustainable patterns of development with more priority given to previously developed land within urban areas. A duty is placed on local planning authorities to ensure that development can deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local facilities; review planning policies; place the needs of people before ease of traffic movement; seek to reduce car dependence; and, promote good design in new housing developments.

PPG3 goes on to say that local planning authorities, in order to establish how much additional housing can be accommodated within urban areas (and thus how much greenfield land may be needed for development) undertake urban housing capacity studies (paragraph 24). Any local plans should identify sites for housing and buildings for conversion and re-use sufficient to meet housing requirements after making allowance for potential windfalls (paragraph 28). However, PPG3 makes it clear that in assessing the allowance which might be made for windfalls (i.e. sites which are not specifically allocated in local plans) local planning authorities should include no allowance for greenfield windfalls (paragraphs 35 and 36).

Paragraphs 69-71 of PPG3 deal with rural housing. Paragraph 69 states that most proposals for additional housing in villages will involve infill development or peripheral expansion. Villages will only be suitable locations for accommodating significant additional housing where:

## SCHEDULE A: Applications with Recommendation

02/0422

additional housing will support local services (such as shops and schools); additional houses are required to meet local needs, such as affordable housing; and, the development can be designed sympathetically in keeping with the character of the village using such techniques as village design statements (paragraph 70).

Annex C to PPG3 defines previously developed land as "that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure ... The definition excludes land and buildings that are currently in use for agricultural or forestry purposes ...".

Ministerial advice contained in PPG7 "The Countryside - Environmental Quality and Economic and Social Development" emphasises in paragraph 1.3 that **"new development should respect, and where possible enhance, the environment in its location, scale and design"**. PPG7 goes on to say that **"new development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape resources"**. (paragraph 2.3).

In addition, paragraph 3.20 of PPG7 highlights that development should be well-related in scale and location to existing development.

PPG9 "Nature Conservation" states that one of the essential tasks for local authorities is to make adequate provision for development and economic growth whilst ensuring effective conservation of wildlife and natural features as an important element of a clean and healthy natural environment (paragraph 3). Paragraph 27 also explains that: **"local planning authorities should not refuse permission if development can be subject to conditions that will prevent damaging impacts on wildlife habitats or important physical features"**.

PPG15 "Planning and the Historic Environment" identifies that planning is an important instrument for protecting and enhancing the environment in town and country, and preserving the natural and built heritage (paragraph 1.2).

PPG15 advises in paragraph 4.17 that many conservation areas include gap sites that make no positive contribution to the area. Their redevelopment should be a stimulus to imaginative, high quality design. **"What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own"**. PPG15 goes on to advise that in a bring forward development proposals special regard should be had for matters such as scale, height, form, massing and respect for the traditional pattern of frontages.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving

## SCHEDULE A: Applications with Recommendation

02/0422

or enhancing the character or appearance of a conservation area. The objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.

### b) Interim Housing Policy Statement

Members will be aware that on the 28th October an Interim Housing Policy Statement was reported to the Executive of the Council. The accompanying report included the following table setting out the rate of housing development over the Plan period based on the position at 31st March 2002.

	Total	Urban	Rural
Structure Plan allocation 1991-2006	6000		
Local Plan Provision 1991-2006	<b>6858</b>	<b>4801</b>	<b>2057</b>
Completions 1991-2002	<b>4286</b>	<b>2652</b>	<b>1634</b>
Residual requirement 2002-6	<b>2572</b>	<b>2149</b>	<b>423</b>

An examination of the total of dwellings to be completed to achieve the Structure Plan allocation the development rate is only 2.6% below the anticipated rate. It is however, the location of that development which has raised concerns. Whilst PPG3 puts an emphasis on urban and brownfield locations a look at the table above indicates a development rate that is greater than planned in the rural area.

A higher rate of development in the rural area and a lower rate of development in the urban area indicate a need to manage the supply more closely in line with the Plan Strategy and PPG3. The completion of new dwelling units indicates a 38% development rate in the rural area, which are nearly 350 units higher than the 30% rate anticipated. However, in the context of the 15-year plan period the figures above indicate that at 73% of time through the plan period, 79% of the rural supply has been completed resulting in an oversupply of 125 units throughout the rural area. In contrast the urban area has developed only 55% resulting in an under supply of over 850 units.

Planning applications already given consent will feature in the future rate and location of development. In order to achieve a complete picture of the pattern of development, the table below takes these into account.

	Total	Urban	Rural
Total with Planning permission	1928	1195	733
Completions 1991-2002	4286	2652	1634
Projected total for plan period (estimate up to 2006)	<b>5751</b>	<b>3560</b>	<b>2191</b>
Local Plan Provision	6858	4801	2057

Whilst not all planning consents get developed and some may take longer than the plan period before being completed, the trend of development is clear. An increasing number of consents in the rural area and a shortage of supply in the urban area are not achieving the urban emphasis of the Local Plan strategy nor PPG3.

## SCHEDULE A: Applications with Recommendation

02/0422

In order to increase the urban emphasis and reduce the amount of rural housing coming forward the Housing Policy Statement emphasises that the implementation of Policy H5 needs to be more focused, with Officers taking, in particular, the following three factors from PPG3.

- Good public transport corridors
- The availability of local services
- Local need

Paragraph 70 of PPG3 relates to significant additional housing. Housing Policy H5 provides for small-scale proposals. Proposals for significant rural housing are contrary to this policy. Paragraph 4.40 of Policy H5 refers to proposals of over 20 dwellings however the preceding sentence states the "what constitutes large and small-scale will vary considerably from settlement to settlement". The Housing Policy Statement explains that significant additional housing referred to in PPG3 will be considered in this context.

### c) Supplementary Planning Guidance

The relevant Supplementary Planning Guidance is contained in the North Pennines Area of Outstanding Natural Beauty "Good Practice in the Design, Adaption and Maintenance of Buildings", and, the "Countryside Design Summary for Carlisle District" (CDSCD).

The former document advised on page 25 that, **"Each settlement within the AONB has a unique character which calls for individual design solutions to ensure that new development appears to be part of that place and not a suburban-style extension to it"**. It goes on to state that, **"the siting of new buildings will need to take account of the established settlement pattern and reinforce it. Frontage sites are particularly sensitive and new buildings must relate to the established pattern of neighbouring buildings"**.

The CDSCD states that **"new development should be sited to integrate with the form of the village, and should not interrupt the established or historic appearance of the many elements which make up the overall character ..** (page 6). When considering applications for new development within or at the edge of a village, the form and character of the village must be carefully assessed, taking particular note of, amongst other things, the overall form of the village i.e. is it strongly linear, clustered around a village green, centred on a cross road, or lack cohesiveness.

When assessing the current proposal it is considered that Members have to make a judgement based upon weighing the likely harm to Ministerial guidance and the local planning authority's housing policy against any perceived effect on the character of the Cumrew Conservation Area.

On the one hand it is evident that the current application, in combination with the scheme approved under 02/0423, represents a cumulative impact on Cumrew leading to a total of 7 units. In the context of Cumrew this can be considered

## **SCHEDULE A: Applications with Recommendation**

02/0422

significant. Yet Cumrew is without any basic services and the proposal is not put forward on the basis of meeting a local need. The application also involves the use of greenfield land as defined by Annex C to PPG3. The proposal therefore represents a significant development which is unsustainable and contrary to the objectives of PPG3 and the implementation of the Local Plan Policies as explained in the Council's Interim Housing Policy Statement. This being at a time when there is a general over-provision of housing in the rural area of the District.

The exceptional circumstances relating to the closure of the farm following Foot and Mouth having already been accounted for when application 02/0423 was considered.

When considering any effect on the character of the area the City Council's Conservation Officer has highlighted that Townfoot Farm is situated within the Cumrew Conservation Area, on the northern edge of the North Pennines Area of Outstanding Natural Beauty. The development plot is small, constrained to the north and south by existing buildings and to the east by a steep bank. The village of Cumrew itself is pastoral in character, defined by narrow, linear rows of farmsteads that front onto the road. Historically the plan form of the barns and farmhouses is such that the main axis runs parallel with the road and the buildings directly abut the road or are set back a short distance to provide a small front garden. This is particularly notable to the east of the road where the steep bank restricted incursions into the backland, as may be seen from the Tithe map of 1838.

In regard to the amended scheme, the Conservation Area Advisory Committee now consider it to be a "vast improvement both in numbers and detail".

It could, nevertheless, be argued that if the existing barn is redundant for agricultural use, then the owners should demolish it if no alternative use is appropriate. However, with no financial interest to the applicants there is an obvious concern that the property will be allowed to go unkempt and derelict with the consequent harm to the environment and character of the Conservation Area and AONB. The location of the current application within the village may also raise consequent fears over the effect on the residential amenity of neighbouring properties.

When looking at the issue of precedent and any cumulative impact of allowing the current proposal, it needs to be recognised that there are other sites which include structures which could be the subject of future applications for their re-development. Notably, a single storey barn adjoining The Croft, a two storey barn at Helme Farm, a barn at Fell View, and, the barn(s) at Cumrew House. Any such proposals would, however, have to be considered on their own merits in light of the Council's Interim Housing Policy Statement.

In conclusion, Members have substantive grounds to refuse the current application. However, there are also merits to the now reduced scheme which can be attributed some weight. On balance, the proposal is recommended for approval subject to the alterations suggested by the Conservation Area Advisory Committee and the

## SCHEDULE A: Applications with Recommendation

02/0422

awaited comments of English Heritage.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The objectors rights are respected but in this instance it is not considered that there is any conflict.

Page 191 →

---

### Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. No development shall commence until visibility splays providing clear visibility of 50 metres x 2.4 metres x 50 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

**Reason:** In the interests of highway safety.

Supp P42/46 obj  
Page 47 - DC obj

## SCHEDULE A: Applications with Recommendation

02/0422

3. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

**Reason:** To ensure that the matters specified are designed to the satisfaction of the local planning authority.

4. Ramps shall be provided on each side of every road junction to enable wheelchairs, prams and invalid carriages to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the local planning authority for approval before development commences. Any details so approved shall be constructed as part of the development.

**Reason:** To ensure that pedestrians can negotiate road junctions in relative safety.

5. No dwellings shall be occupied until the access road to serve such dwellings has been constructed in all respects to base course level and brought into full operational use.

**Reason:** To ensure that the matters specified are designed to the satisfaction of the local planning authority.

6. Before each dwelling is occupied its respective off-street parking shall be provided together with vehicular access thereto in accordance with the approved plans. The access and spaces for garage and parking shall be used for no other purpose without the prior approval of the local planning authority.

**Reason:** To ensure that each dwelling is provided with parking and garage space to the satisfaction of the local planning authority.

7. No dwelling shall not be occupied until a means of vehicular access has been constructed and drained in accordance with plans to be approved by the local planning authority.

**Reason:** To ensure that the development is served by a vehicular access constructed to the satisfaction of the local planning authority.

8. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

**Reason:** To ensure that materials to be used are acceptable.

9. Particulars of height and materials of all screen walls and boundary fences shall



## SCHEDULE A: Applications with Recommendation

02/0422

be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

**Reason:** To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

10. No development shall take place until details of a landscaping scheme have been submitted to and approved by the local planning authority.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented.

12. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

**Reason:** To ensure the works harmonise as closely as possible with the existing building.

13. Notification of the commencement date and information as to whom the County Council's Principal Archaeologist should contact on site should be given in writing to the aforementioned Council's Principal Archaeologist not less than 14 days before redevelopment commences. Access should then be given for an archaeological watching brief to take place throughout redevelopment and related operations.

**Reason:** So that records may be made before the archaeological remains/architectural features are affected by the development.

14. No development approved by this permission shall be commenced until a scheme for the disposal of foul drainage to the package treatment plant has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans.

**Reason:** To ensure that adequate drainage facilities are available to prevent the pollution of Cumrew Beck.

15. No development approved by this permission shall be commenced until a full

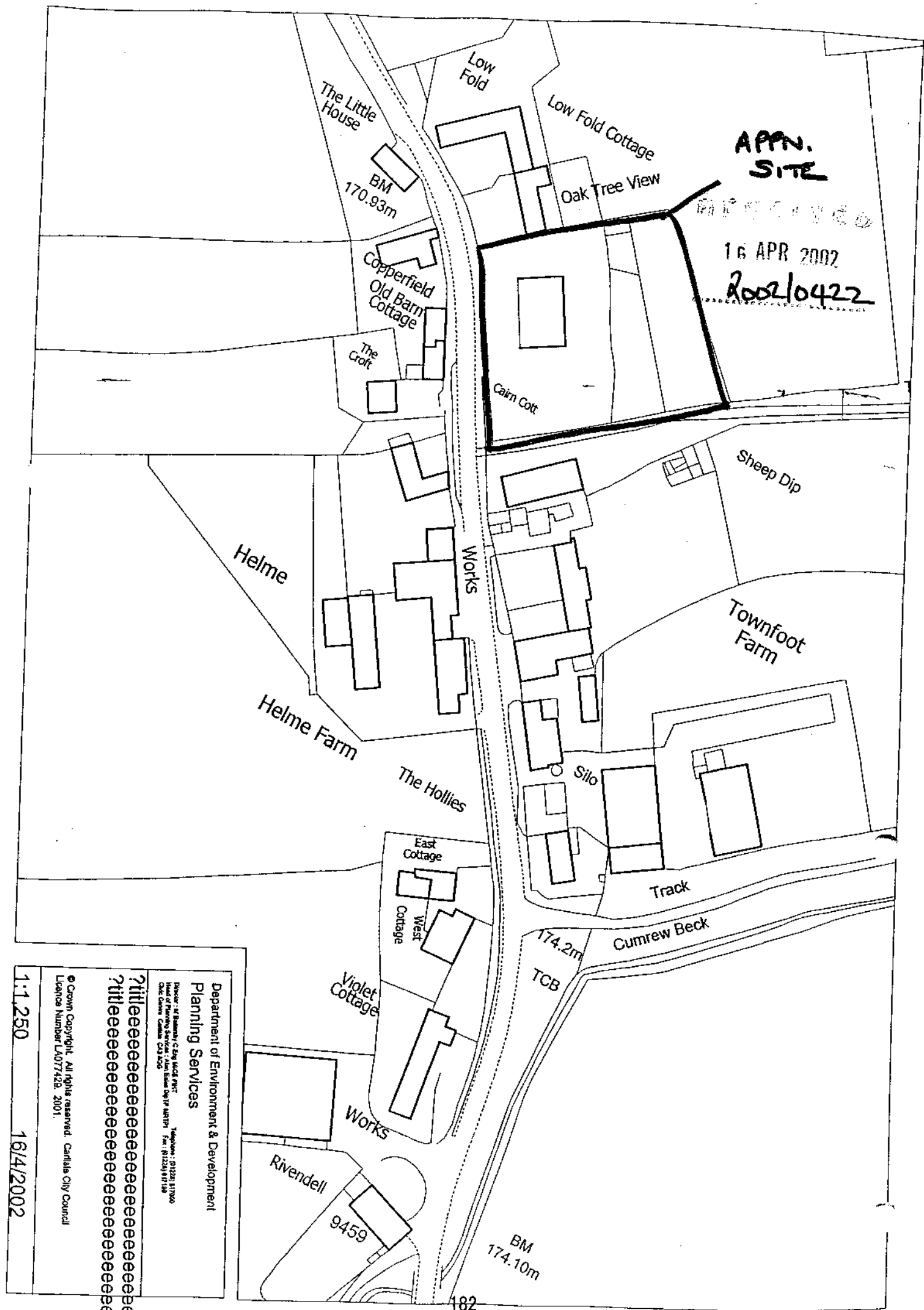
## **SCHEDULE A: Applications with Recommendation**

02/0422

scheme for the disposal of surface water has been approved by the local planning authority. The scheme shall be constructed and completed in accordance with the approved plans before the occupation of any dwelling.

**Reason:** To ensure that adequate drainage facilities are available to prevent pollution of Cumrew Beck.

---



**APPN. SITE**

16 APR 2002  
 200210422

Department of Environment & Development  
 Planning Services  
 Director of Business, City of Cambridge  
 Head of Planning Services, Town Hall, 101 High Street, Cambridge CB2 3RQ  
 Telephone: 01223 317900  
 Fax: 01223 317148

© Crown Copyright. All rights reserved. Cartfile City Council  
 Licence Number LA077429 2001.

1:1,250 16/4/2002

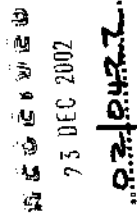
*from hedge on existing boundary?*

*Dutch Barn*

*Service Shop*

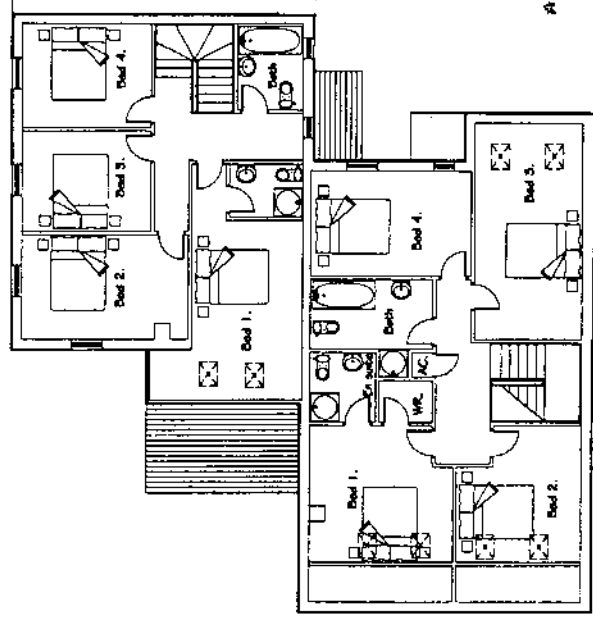
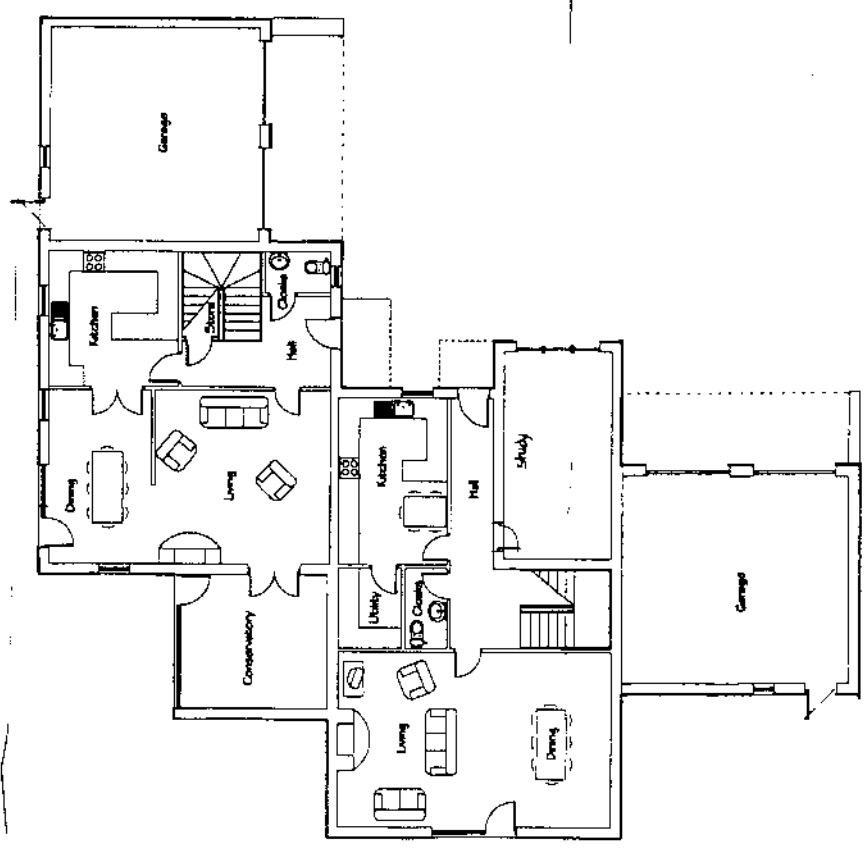
*New Gate*

*Plot 6  
(Approved)*


  
 73 DEC 2002

Rev. No.	Date	Amendments	Initials Made	Chk.

<h1>Coates Associates</h1> <p>Chartered Town Planners</p> <p>Stanton Court, Stainton, Kendal, Cumbria LA8 0LQ Tel / Fax 015395 61749 www.coatesassociates.co.uk</p> <p>client Messers Metcalfe</p>	
Job Town Foot Farm (Dutch Barn Site) Cumrew	
Drawing Layout 2 dwellings	
scale A499 1:200	date Nov 2002
drawn by DHL	drawing no 2015 01
rev.	A



AS 2015 10 20  
 20 DEC 2015  
 ...R. P. ...

Rev. No.	Date	Description	Rev. No.	Date

**Coates Associates**  
 Chartered Town Planners  
 Station Court, Blenheim, Oxford, OX2 0LD  
 Tel: 01235 831148 www.coatesassociates.co.uk

Client: **Misera Metcalfe**  
 Job: **Two Foot Farm (Dutch Barn Site)**  
 Drawing: **Floor Plans**

Scale: 1:100  
 Date: December 2002  
 Drawn by: DNL  
 Checked by: A



# Coates Associates

Chartered Town Planners

Stainton Court Stainton  
Kendal Cumbria LA8 0LQ  
Tel/Fax: 015395 61749  
E-mail: david@coatesassociates.co.uk  
www.coatesassociates.co.uk

## Village Appraisal

**Village:**  
Cumrew

**Site:**  
Land/Building adjacent to  
Town Foot Farm  
Cumrew

**Proposal:**  
Erection of 4 houses

**Planning Application:**  
02/0422

RECEIVED

17 OCT 2002

2002/0422

Prepared By:  
David H Coates MSc MRTPI

## **Village Setting & Visual Amenities**

The village is a traditional north Cumbrian village, set to one side of a minor valley against the steep slopes of Cumrew Fell, part of the Pennine range. This setting is reflected in the name 'Cumrew', which is derived from the Celtic language meaning "valley by the hill-slope". The village is a linear village straddling the loop of a minor road off the B6413 and on flattish land around 175m (600ft). Views of the village are limited to those from agricultural land from across the valley. There are generally very few views out of the village because development is almost the continuous length of the western side of the main road through the village, which would screen the proposed development. There are no views from the application site.

The village is located on the western periphery of the North Pennines AONB. The Cumbria Landscape Classification identifies Cumrew as being located within 'Foothills', and close to 'Fells and Scarps', which recognises the village's location below Cumrew Fell.

The proposed development is contained within the confines of the village, follows the linear pattern and has no impact on any significant wider views. It does not impinge on an open space of any interest, the site presently having a corrugated building on it. Relevant guidance in the Landscape Strategy is to only resist 'development of important open spaces such as pastures, and woods in villages'. Therefore the proposal is in accordance with that guidance, and would not have any detrimental impact on the overall character or setting of the village within the AONB.

## **Village Form**

Cumrew comprises of a number of houses and buildings in a predominantly linear arrangement either side of the main road through the village. The village is generally single property deep on either side of the road, however the area which each property occupies differs, and in some cases properties are two deep.

The village has evolved organically since c.1200. The 1868 OS plan indicates the presence of a number of buildings including the Townfoot Farm, built in 1768 and Cumrew House dating from 1753. The site is shown to be an orchard at that time, and its boundary remains unchanged since that time. The proposed development is



also contained within that boundary historic boundary. There are a mixture of building shapes, with farms, barns, 'L' shaped buildings, and a long terrace of cottages.

At the northern end of the village, the pattern is very mixed, with some properties being immediately adjacent to the road, whilst others are set back. In addition some properties are aligned perpendicular to the road, whereas some are parallel to it. Hence within the overall linear form of the village, the layout is very variable and erratic in its relationship with the road which forms its spine. There is no simple mirroring of the building layouts around this spine. In fact contrasts in the depth of development and enclosure are more typical. That is where buildings are adjacent to the road on one side, on the opposite side development is set back either as an 'L' shaped building around a courtyard, or a building parallel to the road with a garden in front. This fluctuation gives the village an airy charm with eye caught up in this spatial intricacy.

In respect of the village's overall shape, the curtilage of buildings on the east relate to the steep banking on that side of the village. To the west, the village boundary is unrestrained by topography weaving around gardens of the properties, which are one and two deep from the road. The agricultural buildings at Town Foot Farm project some considerable distance back from the road, however the main characteristic is that they follow the contours around the foot of steep slopes on the east side of the village.

## Design

The development boundary is very irregular. Measuring the depth of existing development from the road reveals that it is generally 25m – 45m. It is noted that the recent planning approval for plots 6 + 12 (02/0423) extends to approximately 60m from the road. The depth of the proposed development is 43m and therefore consistent with existing limits. The curtilage boundary of the proposal is the one evident in 1868, which together with the development of the approved conversions of the farmstead, all relate to the natural steep banking to the east, and do not conflict with the general layout of the village. The attached plan demonstrates how the proposal is appropriate within the village setting.

The design of the proposal reflects that of a barn conversion around a courtyard, and is similar to the layout of the adjacent farmyard where planning permission has already been granted for conversion. It is also similar in layout to other buildings and barn conversions located in the village. The materials are predominantly stone with some roughcast, which are wholly appropriate to that setting. The design precedents have already been set, and the proposal merely seeks to reflect those elements. In addition the projection and recession of buildings within village is expressed in the proposed development.

The mass of the 'L' shaped building proposed is well proportioned in relation to the size of the site concerned. It leaves a large frontage of open space that balances against the mass of roadside development opposite. To reduce the number of dwellings and size or alter the alignment is likely to upset this balance in terms of enclosure and proportion.

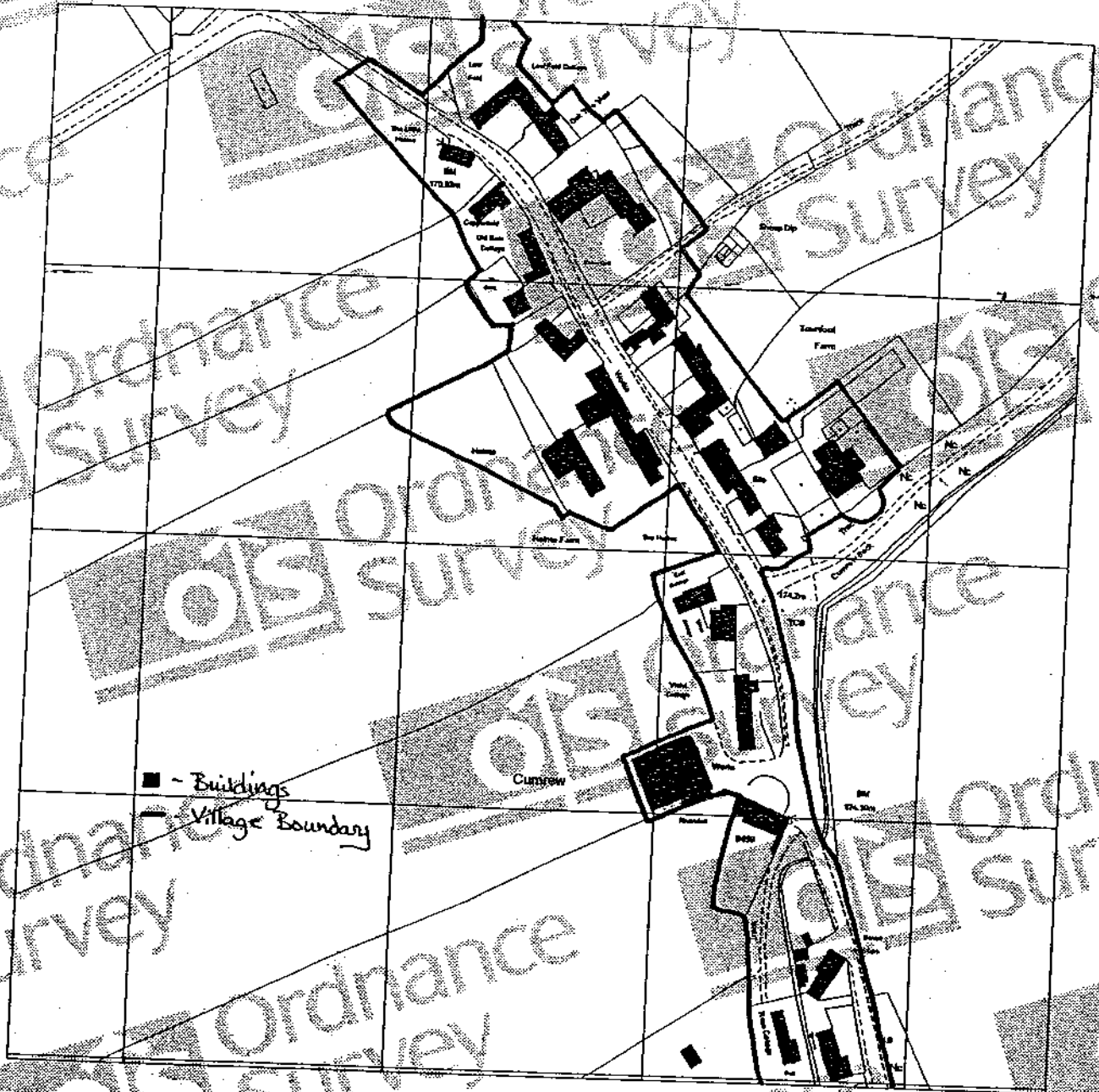
### Conclusion

The layout and siting of the proposed development is comparable to existing properties within the village, but especially in the northern end of the village. The creation of an 'L' shaped building is consistent to those surrounding, which are set back from the road with gardens or courtyard to the front. This gives a sense of space, and harmonises with the general character of the village. To alter the siting of the proposed buildings to be nearer to the road, would be at odds with existing development patterns, and be harmful to the appearance of the village.

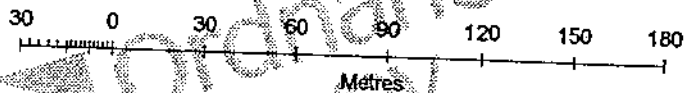
The proposed houses would replace a large corrugated sheeted former building, which does not make any contribution to the village. The proposal would not result in any harm to the character of the village, or be detrimental to visual amenities. The village would not be harmed in relation to its setting in the AONB as a result of the proposal being built.

**Siteplan®**

1:2500 Scale



Produced 13 Jun 2002 from Ordnance Survey digital data and incorporating surveyed revision available at this date. © Crown Copyright 2002.



Reproduction in whole or in part is prohibited without prior permission of Ordnance Survey.

Ordnance Survey and the OS symbol are registered trade marks and Siteplan a trade mark of Ordnance Survey, the national mapping agency of Great Britain.

Centre coordinates: 354854mE 550698mN

National Grid sheet reference at centre of this Siteplan: NY5450NE.

Supplied by: Westmorland Gazette  
Serial Number: 872

## SCHEDULE A: Applications with Recommendation

02/0777

---

**Item No: 09**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/0777

**Applicant:**  
Mr & Mrs C Lawson

**Parish:**  
Orton

**Date of Receipt:**  
30/08/2002

**Agent:**  
Acorn Associates

**Ward:**  
Burgh

**Location:**  
Newby Cross, Newby Cross, Carlisle, CA5 6JP

**Grid Reference:**  
336540 552981

**Proposal:** Change of use and conversion/development of existing barn to form dwelling

**Amendment:**

*Angus*

---

### Report

#### Planning Policies:

#### **Trunk Road/Motorway affected**

The proposal relates to development which affect a trunk road or motorway.

#### **Carlisle District Plan Housing - Proposal H12**

Proposals for the conversion of non residential property to provide residential accommodation in locations where planning permission for new build residential development would not be granted will not be approved unless:

1. The building is of permanent construction; and
2. The building can be converted without extensions or major alterations which would destroy its character; and
3. The details of the proposed conversion respect the building's character; and
4. Adequate access and appropriate car parking can be achieved.

Where appropriate, in order to retain the character and fabric of historic farm buildings, development rights originally permitted by Class A of Part One of Schedule Two to the Town and Country Planning General Development Order (1988 as amended) may be withdrawn by a condition attached to a planning consent.

The conversion of recently constructed or very remote rural buildings will not be

## SCHEDULE A: Applications with Recommendation

02/0777

permitted.

### **Carlisle District Plan Housing - Proposal H17**

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

### **Summary of Consultation Responses:**

**Department of Transport (Highways Agency):** No objections.

**United Utilities (former Norweb & NWW):** No comments received.

**Orton Parish Council:** There is concern that lights from vehicles using the access to the property may interfere with vision for drivers of vehicles travelling towards Carlisle on A595.

Is there to be a boundary fence high enough to alleviate this problem?

**Environment Agency (N Area (+ Waste Disp)):** No objections subject to the imposition of a condition and attachment of two informative notes.

**English Nature:** No objections but recommend attachment of two informative notes.

### **Summary of Representations:**

This application has been advertised in the form of a site notice and the notification of the occupiers of the neighbouring property. No observations have been received at the time of preparing the report.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

In 1998, under application number 97/0884, planning permission was given to use

## **SCHEDULE A: Applications with Recommendation**

02/0777

the outbuildings in association with a light engineering business.

In 1999, application number 98/0968, permission was given to use "units 1 and 2" for the manufacture of window blinds.

### **Details of Proposal:**

This application relates to a series of outbuildings in a "U" shaped layout located to the south-west of the detached house at Newby Cross. The outbuildings consist of single and two storey structures which are externally constructed with stone/rendered walls and slate roofs.

The current proposal involves converting the outbuildings to create a single dwelling and form a new driveway which is intended to run between the outbuildings and a stone boundary wall approximately 1 metre high - see attached copies of plans.

The application has been submitted because the owners have struggled to get and retain any tenants for the commercial use of the outbuildings.

In considering this application it is felt that the following points need to be kept in mind.

- i) POLICIES
- a) Ministerial advice

Paragraphs 2 and 3 of PPG3 "Housing" explain the Government's aim of promoting more sustainable patterns of development with more priority given to previously developed land within urban areas. A duty is placed on local planning authorities to ensure that development can deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local facilities; review planning policies; place the needs of people before ease of traffic movement; seek to reduce car dependence; and, promote good design in new housing developments.

PPG3 goes on to say that local planning authorities, in order to establish how much additional housing can be accommodated within urban areas (and thus how much greenfield land may be needed for development) undertake urban housing capacity studies (paragraph 24). Any local plans should identify sites for housing and buildings for conversion and re-use sufficient to meet housing requirements after making allowance for potential windfalls (paragraph 28). However, PPG3 makes it clear that in assessing the allowance which might be made for windfalls (i.e. sites which are not specifically allocated in local plans) local planning authorities should include no allowance for greenfield windfalls (paragraphs 35 and 36).

Paragraphs 69-71 of PPG3 deal with rural housing. Paragraph 69 states that most proposals for additional housing in villages will involve infill development or peripheral expansion. Villages will only be suitable locations for accommodating significant additional housing where: additional housing will support local services (such as shops and schools); additional houses are required to meet local needs, such as affordable housing; and, the development can be designed sympathetically

## SCHEDULE A: Applications with Recommendation

02/0777

in keeping with the character of the village using such techniques as village design statements (paragraph 70).

Annex C to PPG3 defines previously developed land as "that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure ... The definition excludes land and buildings that are currently in use for agricultural or forestry purposes ...".

PPG7 "The Countryside - Environmental Quality and Economic and Social Development" states in paragraph 3.4B that:

"It is usually preferable for farm diversification schemes to re-use good quality existing buildings and put them to a new business use, rather than building new buildings in the countryside. New buildings, either to replace existing buildings or to accommodate expansion of enterprises, may also be acceptable provided that they satisfy sustainable development objectives and are of a design and scale appropriate to their rural surroundings".

### b) Interim Housing Policy Statement

Members will be aware that on the 28th October an Interim Housing Policy Statement was reported to the Executive of the Council. The accompanying report included the following table setting out the rate of housing development over the Plan period based on the position at 31st March 2002.

	Total	Urban	Rural
Structure Plan allocation 1991-2006	6000		
Local Plan Provision 1991-2006	<b>6858</b>	<b>4801</b>	<b>2057</b>
Completions 1991-2002	<b>4286</b>	<b>2652</b>	<b>1634</b>
Residual requirement 2002-6	<b>2572</b>	<b>2149</b>	<b>423</b>

An examination of the total of dwellings to be completed to achieve the Structure Plan allocation shows that the development rate is only 2.6% below the anticipated rate. It is however, the location of that development which has raised concerns. Whilst PPG3 puts an emphasis on urban and brownfield locations, an initial look at the table above indicates a development rate that is greater than planned in the rural area.

A higher rate of development in the rural area and a lower rate of development in the urban area indicates a need to manage the supply more closely in line with the Plan Strategy and PPG3. The completion of new dwelling units indicates a 38% development rate in the rural area, which are nearly 350 units higher than the 30% rate anticipated. However, in the context of the 15-year plan period the figures above indicate that at 73% of time through the plan period, 79% of the rural supply has been completed resulting in an oversupply of 125 units throughout the rural area. In contrast the urban area has developed only 55% resulting in an under supply of over 850 units.

Planning applications already given consent will feature in the future rate and location of development. In order to achieve a complete picture of the pattern of

## SCHEDULE A: Applications with Recommendation

02/0777

development, the table below takes these into account.

	Total	Urban	Rural
Total with Planning permission	1928	1195	733
Completions 1991-2002	4286	2652	1634
Projected total for plan period (estimate up to 2006)	<b>5751</b>	<b>3560</b>	<b>2191</b>
Local Plan Provision	6858	4801	2057

Whilst not all planning consents get developed and some may take longer than the plan period before being completed, the trend of development is clear. An increasing number of consents in the rural area and a shortage of supply in the urban area are not achieving the urban emphasis of the Local Plan strategy nor PPG3.

In the case of Policy H12 the Interim Policy Statement highlights that barn conversions are considered to be greenfield under the definition of previously developed land in Annex C of PPG3. No allowance should therefore be made for greenfield windfall and whilst PPG3 does not prevent all greenfield sites, the emphasis is to reduce the reliance on greenfield windfall sites being developed. In the rural part of Carlisle District, over 100 units currently have planning permission for conversion from barns and contribute 30% of the supply of rural housing on small sites. Whilst this policy provides for conversion of barns, PPG7 encourages commercial, industrial or recreational uses in the first instance (see Local Plan Employment Policy EM11). The guidance on non-residential uses will be taken into account when considering applications for barn conversions. This policy also allows for conversion of other buildings in the rural area which dependent upon their location would be consistent with PPG3.

### ii) ASSESSMENT OF PROPOSAL

In the context of the aforementioned advice and policies it is apparent that the applicants already sought to utilise the outbuildings for commercial purposes but with limited success. In such circumstances, and providing the Highways Agency do not wish to make any further observations in light of the comments received from the Parish Council, the proposal is recommended for approval.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority



## SCHEDULE A: Applications with Recommendation

02/0777

to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

P210 →

---

### **Recommendation:** Grant Permission

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. Before the dwelling is occupied the proposed parking and turning area shall be provided together with vehicular access thereto in accordance with the approved plans. The access, parking and turning area shall be used for no other purpose without the prior approval of the local planning authority.

**Reason:** To ensure that the dwelling is provided with parking and a turning area to the satisfaction of the local planning authority.

3. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the local planning authority before any site works commence.

**Reason:** To ensure that materials to be used are acceptable.

4. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

**Reason:** To ensure the works harmonise as closely as possible with the existing building.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order), no building, garage, shed or other structure shall be erected within the curtilage of the dwelling hereby permitted without the prior permission of the local planning authority and the approval by them of the design, siting and external appearance of such structures.

## SCHEDULE A: Applications with Recommendation

02/0777

**Reason:** The local planning authority wishes to retain full control over the matters referred to in order to protect the character, integrity and appearance of the building and its setting.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no extensions to the dwelling shall be carried out without the permission of the local planning authority.

**Reason:** The local planning authority wishes to retain full control over the matters referred to in order to protect the character, integrity and appearance of the building and its setting.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other Order revoking and re-enacting that Order), no wall, fence or other means of enclosure shall be erected within any part of the site (other than those shown in any plans which form part of this application), without the approval of the local planning authority.

**Reason:** To ensure that any form of enclosure is carried out in a co-ordinated manner.

8. The existing stone boundary wall fronting the A595 shall be retained at its existing height and in the existing materials.

**Reason:** To contribute towards maintaining the character of the area.

9. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface water waters has been approved by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans.

**Reason:** To ensure that adequate drainage facilities are available.

10. Ben Calk

---

**Acom Associates**  
 Architectural Technologists  
 Building Consultants

20 Moorville Drive South  
 Carlisle Cumbria CA3 0AW  
 Telephone / 07836 343999

<b>Project</b>	Prop. Barn Conversion Newby Cross Carlisle
<b>For</b>	Mr & Mrs C Lawson
<b>Drawing</b>	Location Plan
<b>Drwg No</b>	02/200/7 Rev
<b>Scale</b>	1:2500
<b>Date</b>	June 2002 IGB

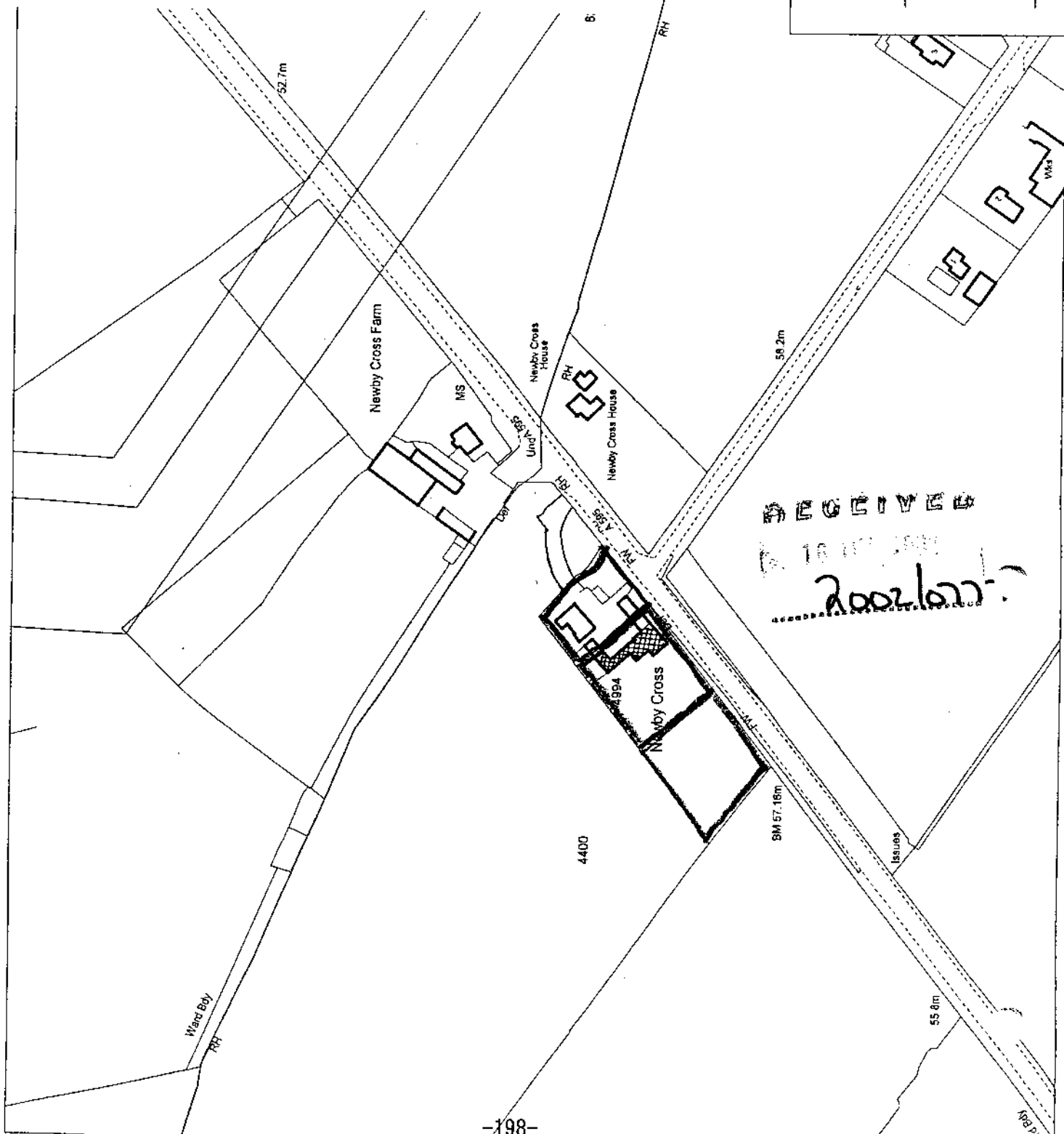
Department of Environment & Development  
**Planning Services**

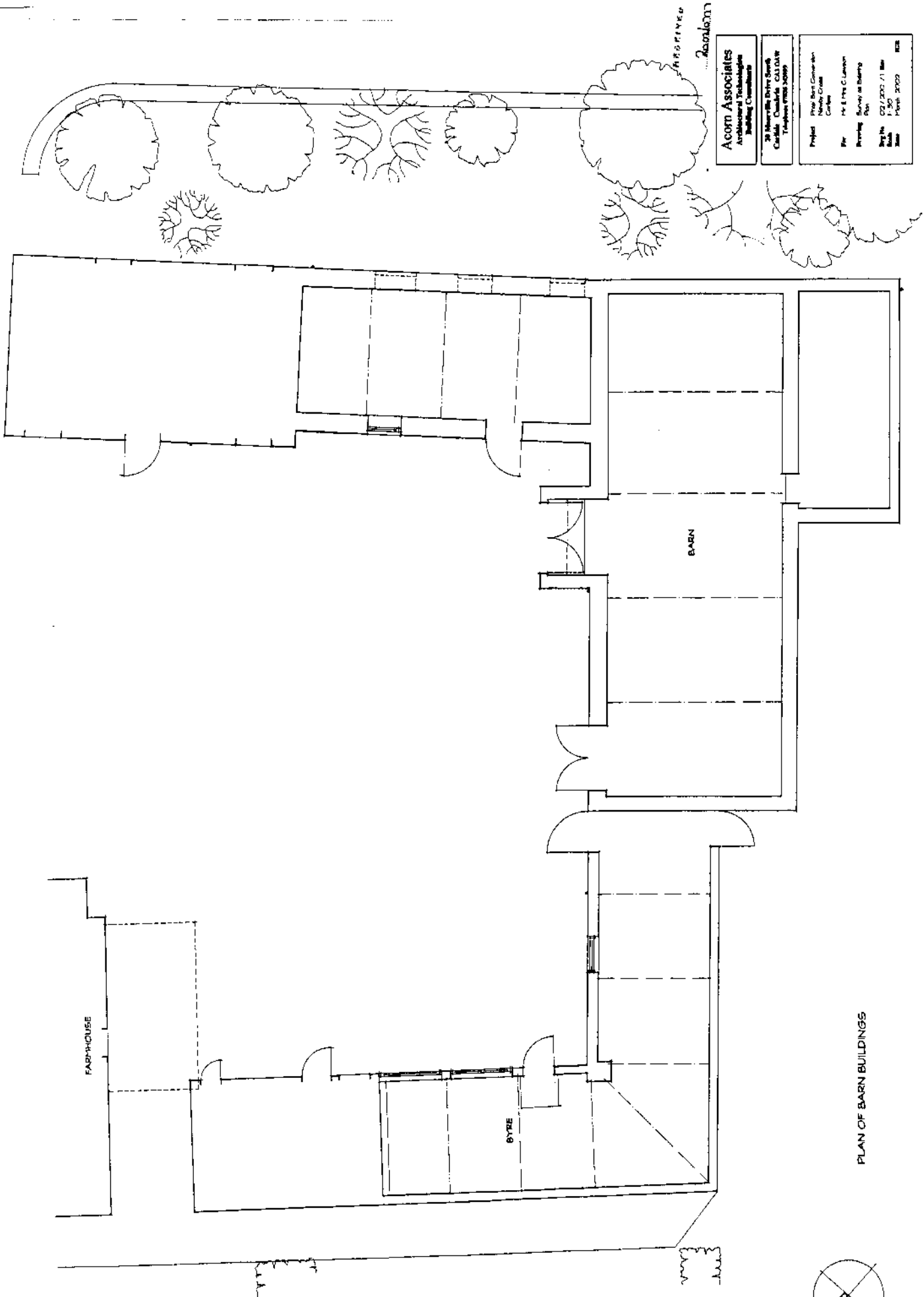
Director: M Bakenby C Eng MICE FIHT Telephone: (01228) 817000  
 Head of Planning Services: Alan Elliot DipTP MRTPI Fax: (01228) 817199  
 DECC Centre Carlisle CA3 8QG

This copy has been produced specifically for planning and Building Control purposes only.  
 This copy has been produced specifically for Map Return Scheme purposes. No further copies may be made. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes copyright and may lead to prosecution or civil proceedings.  
 Carlisle City Council, Licence Number LA077425

1:2,500

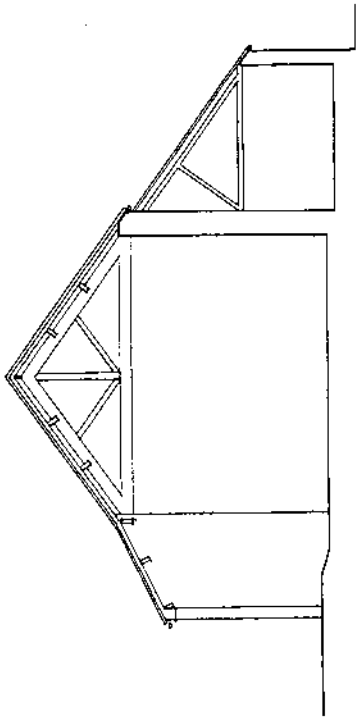
8/3/2001



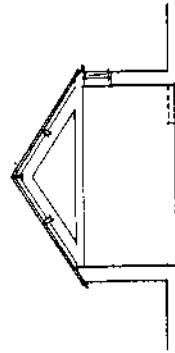


<b>Acorn Associates</b> Architectural Technologists Building Consultants	
20 Mansfield Drive South Clonsilla, Co. Wick Telephone: 087 230 2000	
Project:	Prior Barn Conversion
Client:	Mr & Mrs C. Lanyon
Drawing:	Survey of Existing Plan
Date:	09/2007 / 11 Rev
Scale:	1:200
Issue:	March 2009
	022

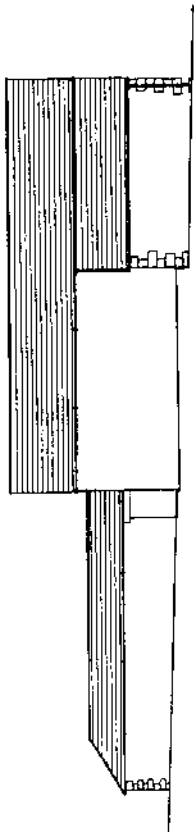
PLAN OF BARN BUILDINGS



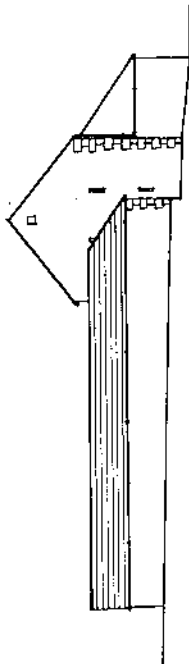
SECTION THRU BARN



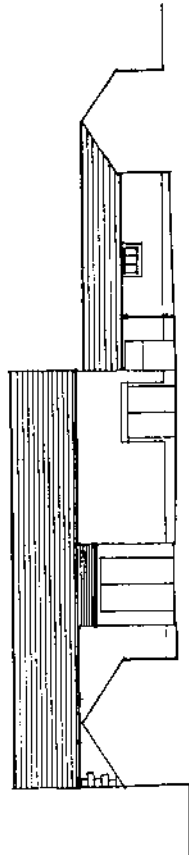
SECTION THRU BYRE



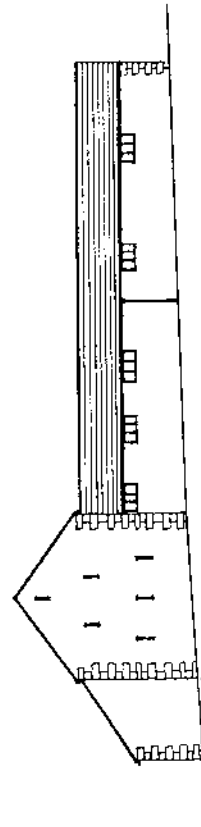
SOUTH WEST ELEVATION



NORTH WEST ELEVATION



NORTH EAST ELEVATION



SOUTH EAST ELEVATION

DESIGNED  
*Rootform*

**Acom Associates**  
 Architectural Technologists  
 Building Consultants

28 Riverside Drive South  
 Cardiff, Cymru CF10 0AW  
 Telephone 0784 30999

Project: Pwll Pen Conversion  
 New Office  
 Cardiff

Ref: H & Pwll Pen C Llanon  
 Drawing: Survey and Existing  
 Services & Elevations

Proj No: 02/200 / 2 Rev  
 Scale: 1:50 (E.I.)  
 Date: March '02

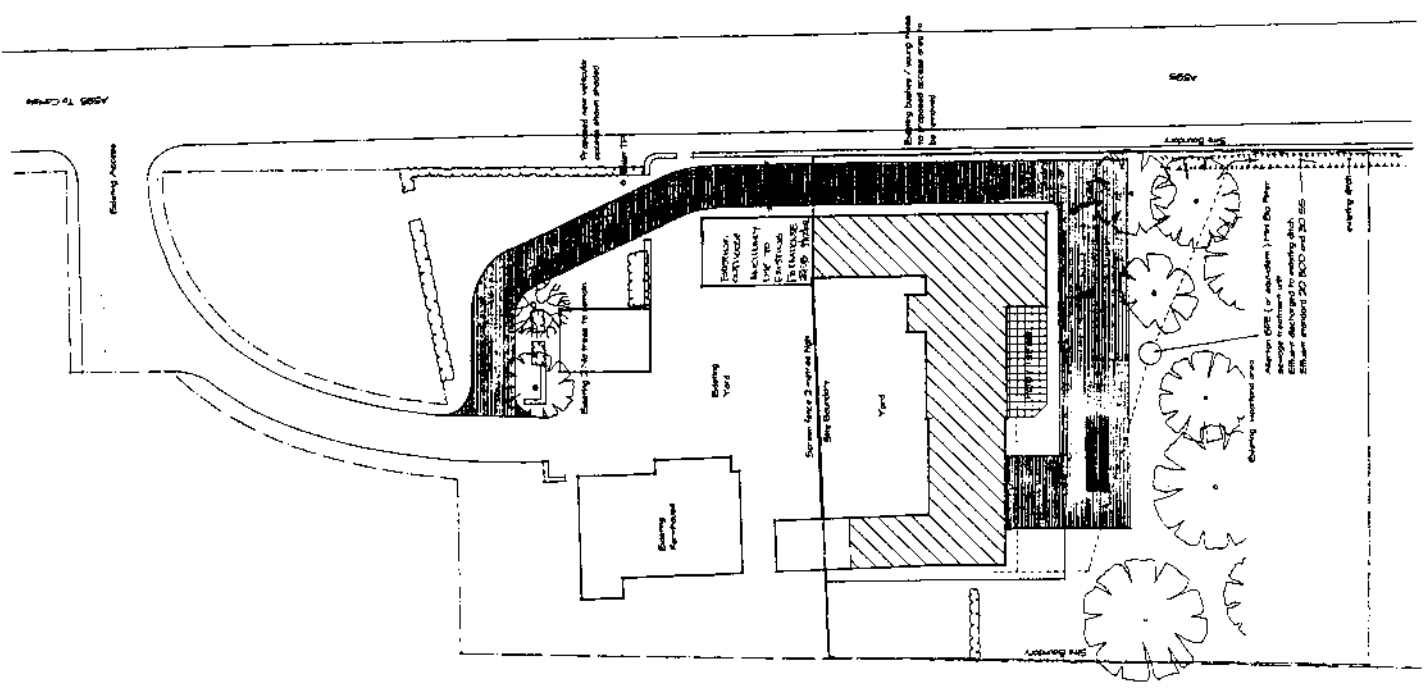
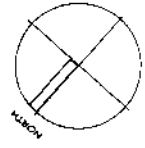
ACB

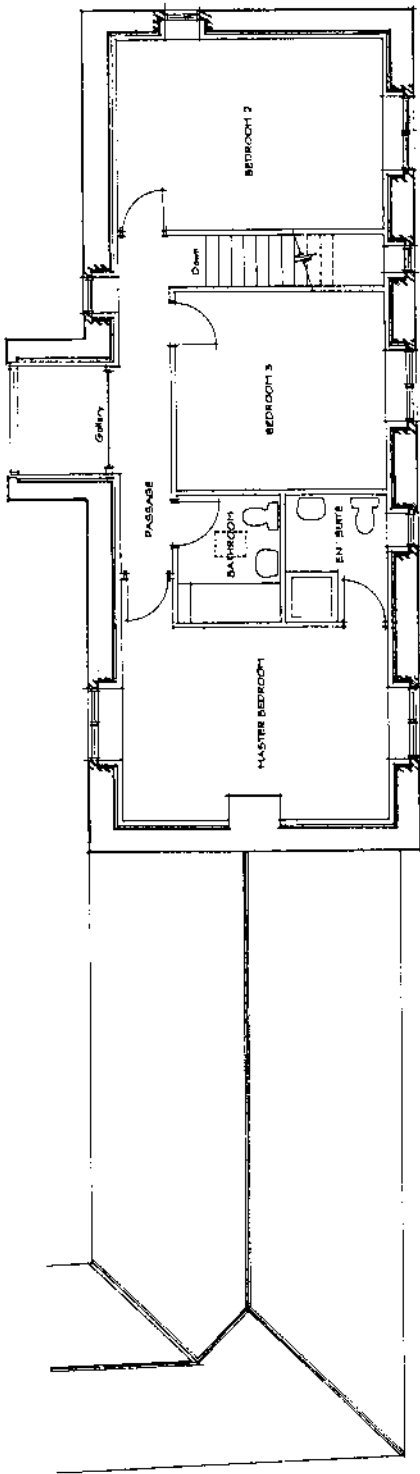
**Accom Associates**  
 Architectural Technologists  
 Building Consultants

78 Merrilee Drive South  
 Central, Canberra, ACTON 2  
 Telephone 0755 2222

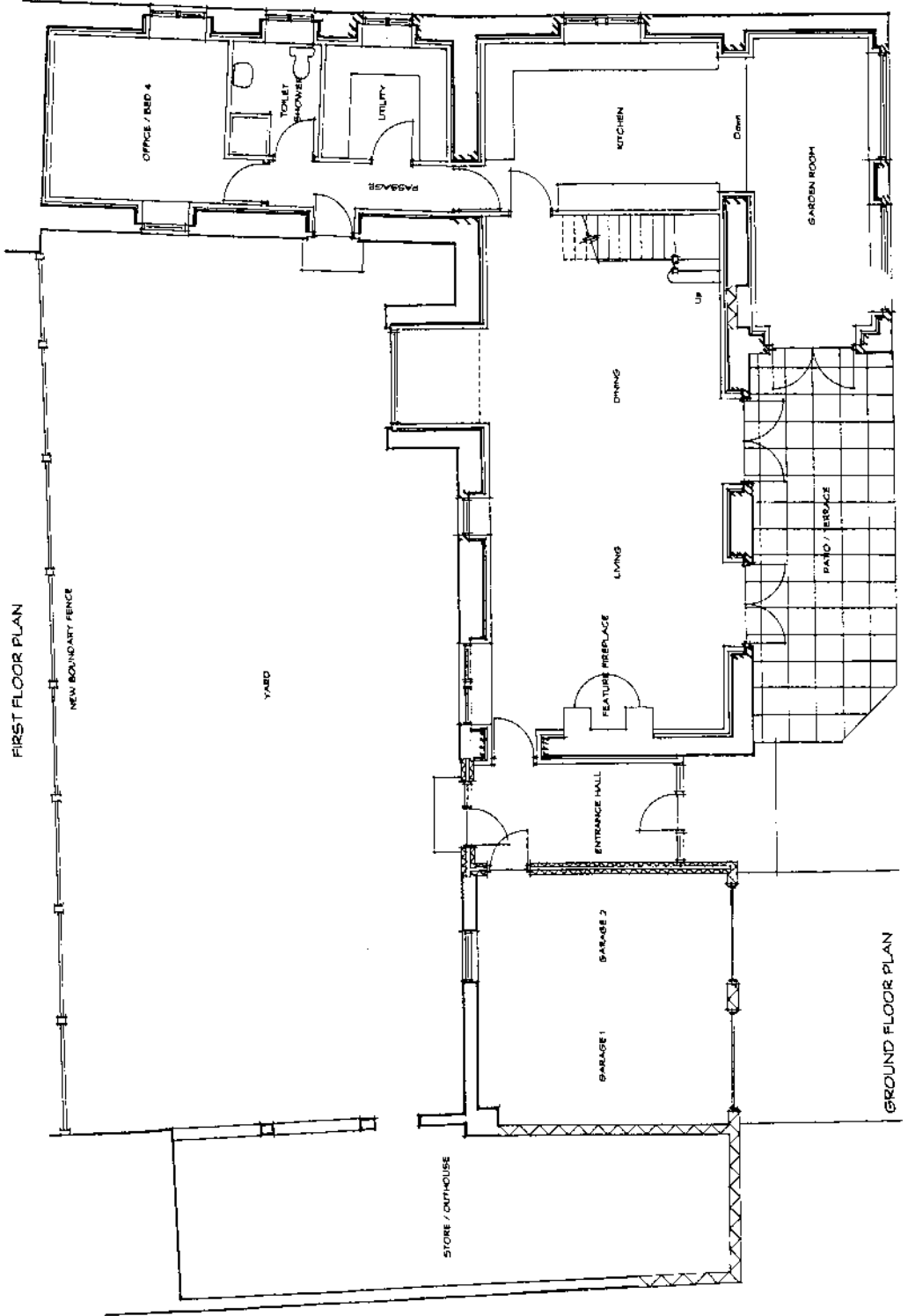
Project: Plaza Sam Convention  
 Centre Stage  
 Client: ACT Government  
 Drawing: Site Plan / Proposed  
 Access  
 Date: 05/10/06 / 16 Nov 06  
 Drawn: June 2002 KB

**RECEIVED**  
 In REE 7000  
 2006/11/11





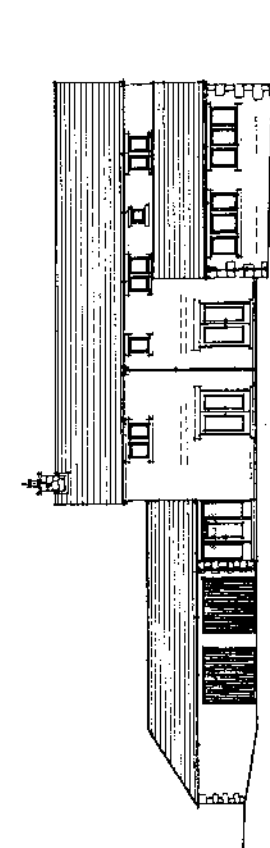
FIRST FLOOR PLAN



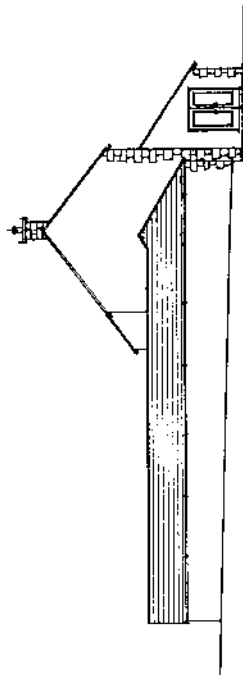
GROUND FLOOR PLAN

<b>Acom Associates</b> Architectural Technologists Building Consultants		20 Messville Drive South Carrville, QLD 4282 Telephone 07533 3200	
Project	Proposed Item Conversion Newly Constructed	Drawn	Plans as Proposed
PM	M. & I. & C. Lomas	Day No	02/200 / 10 Rev
		Scale	1:50
		Date	Nov 1000 NOB

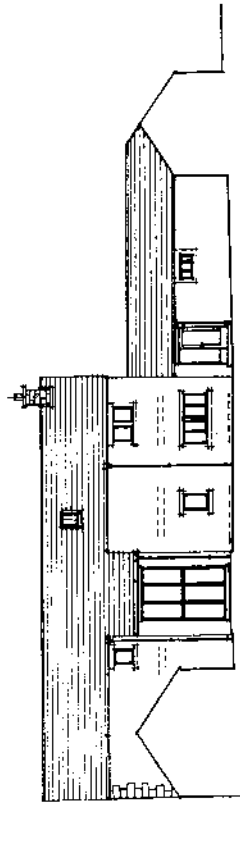
RECEIVED  
10 DEC 2000  
ACOM ASSOCIATES



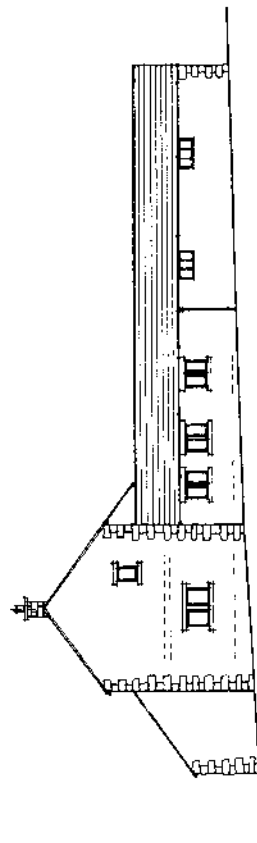
SOUTH WEST ELEVATION



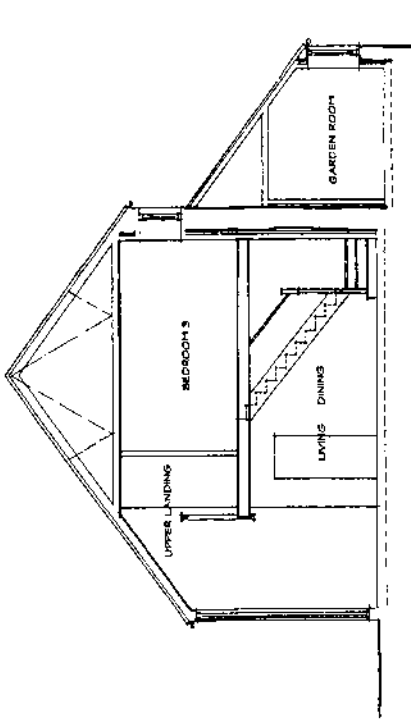
NORTH WEST ELEVATION



NORTH EAST ELEVATION



SOUTH EAST ELEVATION



SECTION THRU DINING / BED 3

EXTERNAL MATERIALS

- Roof: Roofs to be centrally removed and reroofed with softwood selected material, hand sanded to match as required.
- Walls: Treated under floor (not sanded) labour off site. Internal treated above floors / outside where shown.
- Windows / Doors: As shown (American Oak). Vitrals: Type GVA without mullion.
- Roofs: Gable: Cast iron, painted black.
- Driveway / Access: Tarmac high with concrete curbs per table.
- Paths / Terrace: Coloured concrete steps / paving.
- New Boundary fence: To be constructed of solid concrete posts and rails with white-painted top rails.
- 2 meters high, for the boundary between the site and the adjacent site. Date supplied must match plans.

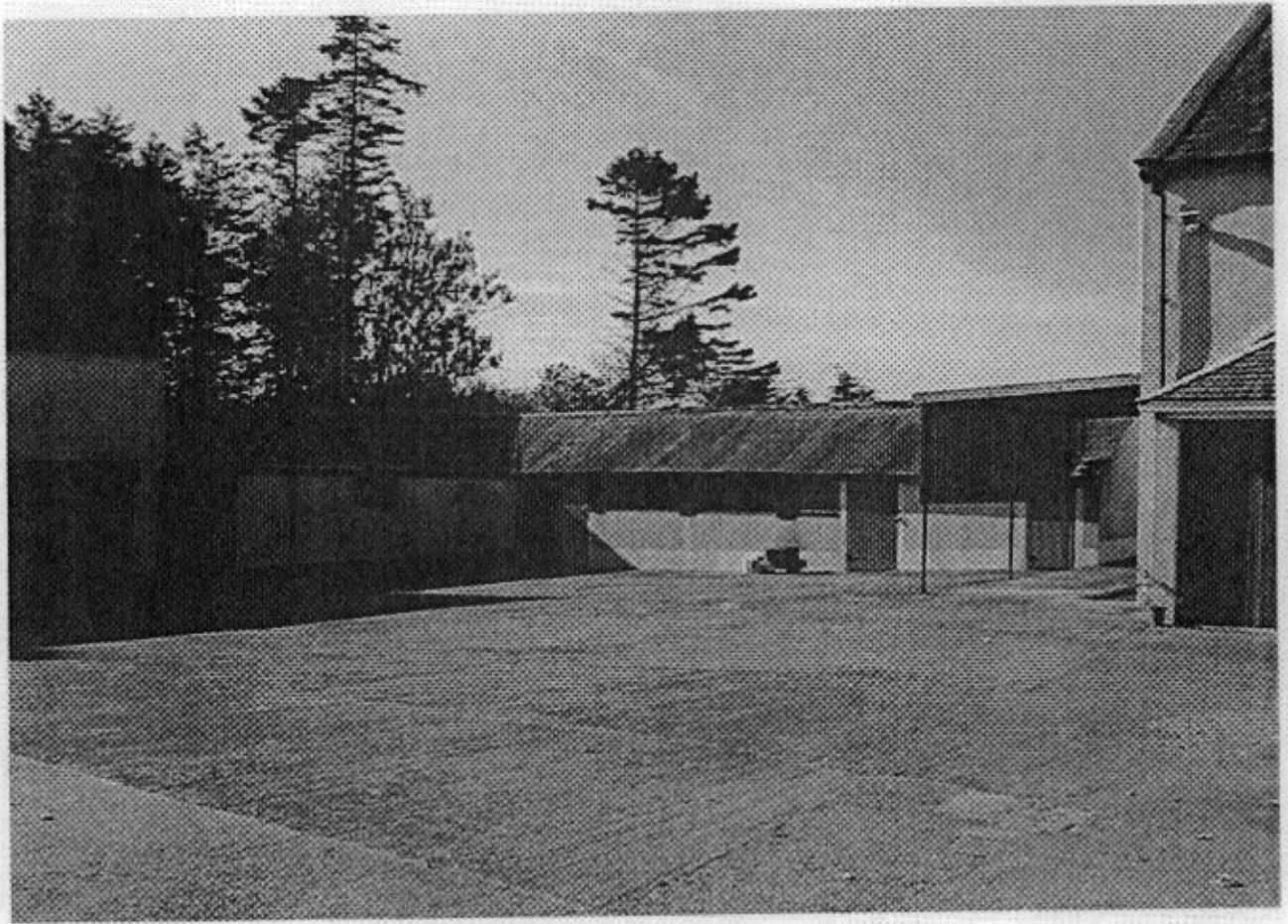
RECEIVED

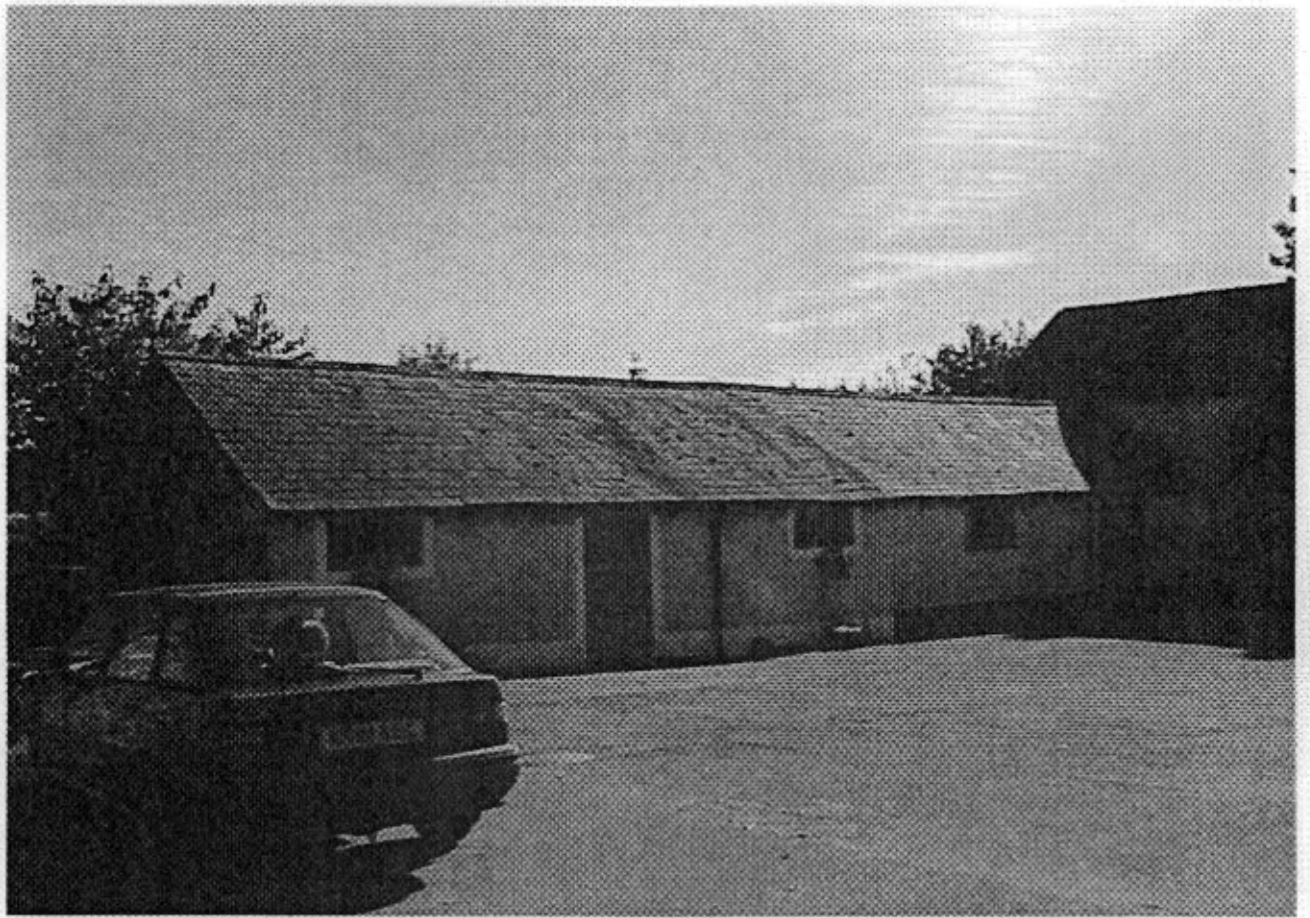
IN REG 700  
2000/10/17

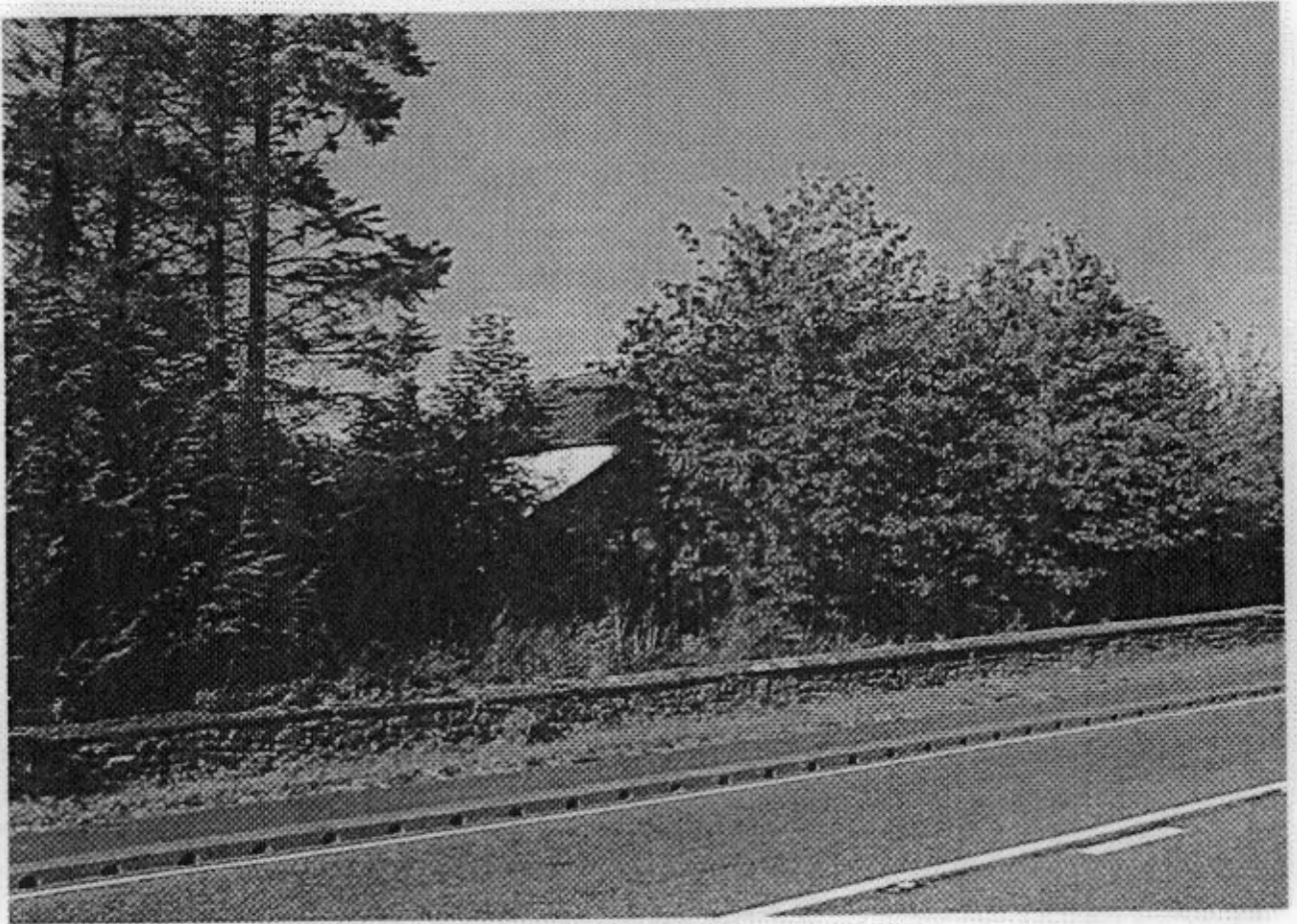
<b>Acomi Associates</b> Architectural Technologists Building Consultants	
28 Merrivale Drive South Carleton Place, Ontario Telephone (905) 882-1111	
Project:	Proposed Barn Conversion
For:	17-8 Pine C. Landon
Drawing:	Elevation & Section as Proposed
Drawn by:	GG/2000/111 Rev
Scale:	1:30 (A1) 1:50 (A2)
Date:	November 2002
	NCB



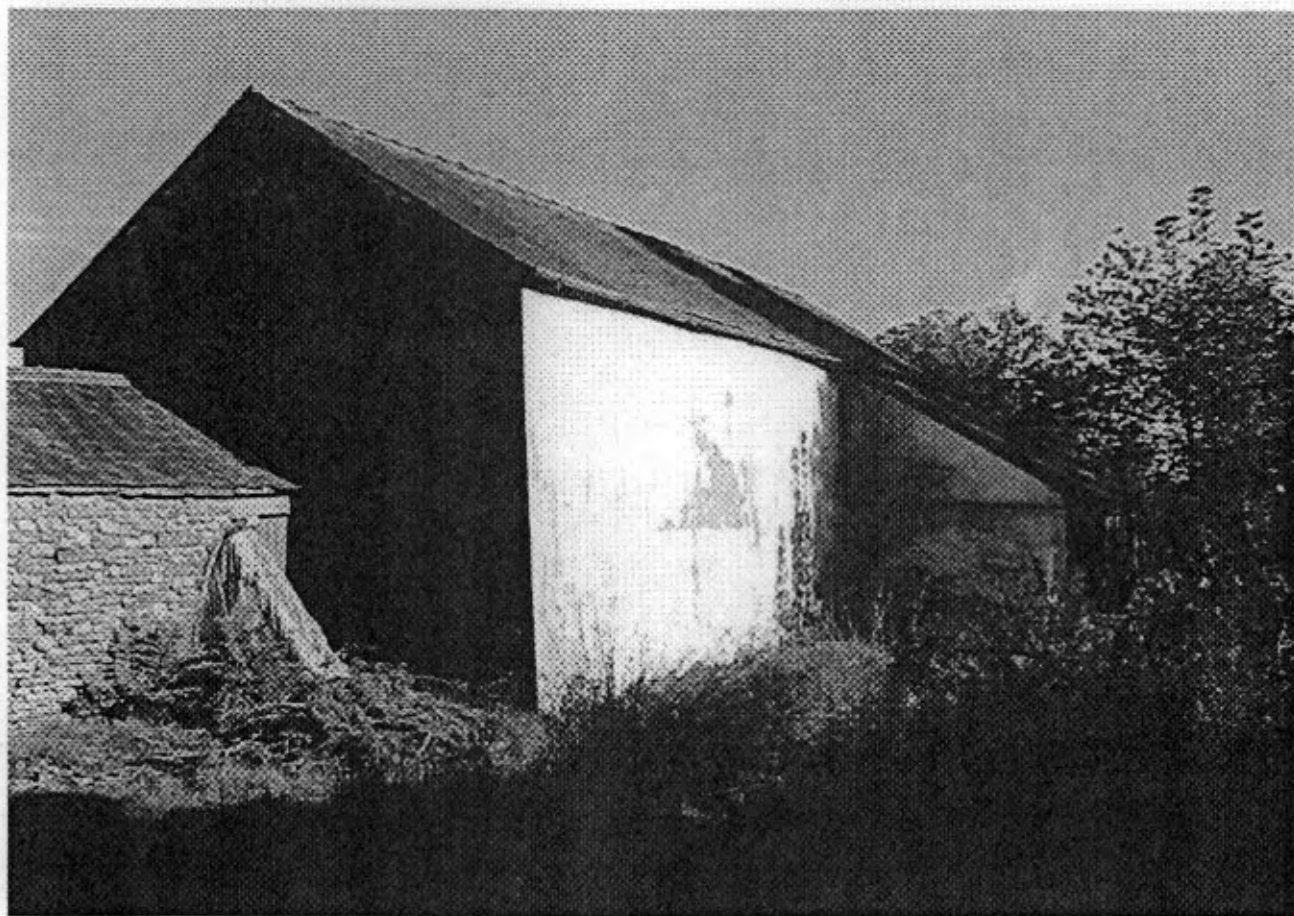


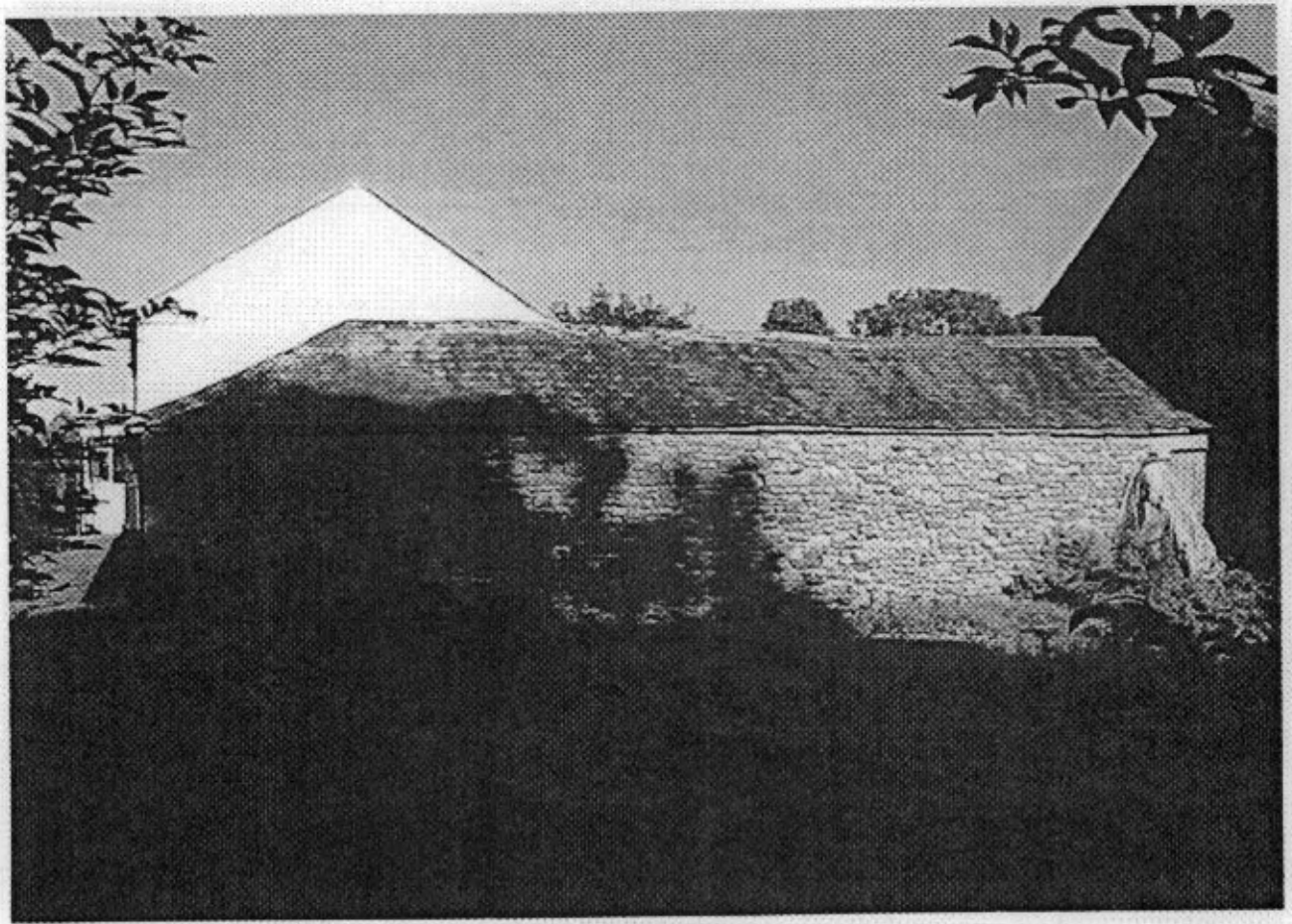












## SCHEDULE A: Applications with Recommendation

02/0801

---

**Item No: 10**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/0801

**Applicant:**  
P Tyson

**Parish:**  
Carlisle

**Date of Receipt:**  
01/08/2002

**Agent:**  
Christopher Reed

**Ward:**  
Castle

**Location:**  
7-9 West Tower Street, Carlisle

**Grid Reference:**  
339980 556150

**Proposal:** Incorporation of vehicular access to car hi-fi shop together with installation of new shop front

**Amendment:**

*Richard -*

---

### Report

#### Planning Policies:

##### **Carlisle District Plan Environment - Policy E43**

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

##### **Carlisle District Plan Environment - Policy E45**

Well designed and appropriate shopfronts whether original or reproduction should be retained wherever practicable and if necessary restored when the opportunity arises. New shopfronts should relate in scale, proportions, materials and decorative treatment to the relevant facade of the building, and where appropriate, to adjacent buildings and/or shopfronts.

##### **Carlisle District Plan Environment - Policy E40**

Within the City Centre, Botchergate, Brampton, Longtown and Dalston Conservation Areas, there will be a strong presumption in favour of the retention and improvement of key townscape frontage buildings.

### Summary of Consultation Responses:

**Cumbria County Council - (Highway Authority):** The layout details are satisfactory.

**Planning Services - Access Officer:** The entrance door needs to be 800mm clear. Also, no details are provided for the ramp gradients.

**Planning Services - Conservation:** If this access is incorporated into the shop with the need then to provide a new shopfront onto West Tower Street then the frontage should not be treated as one long fascia. It is vital that the existing fascias are not simply joined up as this would create an unattractive elevation which occupies a prominent location.

The elevation should be broken up with a suitable detail (such as a console bracket or a scroll) into bays. These could well relate to the window spacing and such detail could be set midway between each opening. Any signage should be solid letters on a solid background.

Further comments received on 19 August 2002 read as follows:

I would suggest that the fascia is broken up to at least mark either side of this former opening. This could be achieved with pilasters or brackets as in the Shopfront Design Guide.

**Conservation Area Advisory Committee:** If possible, the fascia should be broken up with scrolled supports so that each bay/ window is defined and will allow signage to be broken up.

### Summary of Representations:

This application has been advertised by means of a site notice and a press notice. At the time of writing this report, no representations have been received.

### Details of Proposal/Officer Appraisal:

#### **Planning History:**

Planning permission was granted for the conversion of part of the warehouse to a shop in 1952. A double sided illuminated projecting sign was refused in 1974 and in 1976, an advertisement was also refused.

In 1979, an illuminated projecting sign was refused consent.

Planning permission was granted for the conversion of a disused warehouse to a



## **SCHEDULE A: Applications with Recommendation**

02/0801

TV and video repair shop and car hi-fi unit and installation of a shop front on 5 May 1995, under reference 95/0172.

An application to display illuminated signage was withdrawn in 2000.

Alterations to the existing shop including provision of a new entrance were granted planning permission on 22 June 2000, under application reference 00/0411.

### **Details of Proposal:**

This application seeks full planning permission to undertake alterations to the existing shop front at 7-9 West Tower Street. The premises is located within the City Centre Conservation Area and is currently occupied by Peter Tysons.

The alterations involve the incorporation of an existing vehicular access and the construction of a new shopfront on a brick plinth. The frame of the shop window would be of timber construction. A double entrance door would be placed centrally within the frontage incorporating a ramped access.

Policy E43 of the local plan requires that alterations to existing buildings within conservation areas are sympathetic to the 'setting, scale density and physical characteristics of conservation areas'. The proposed alteration to the shopfront closely matches that of the adjacent building, also currently occupied by the same applicant. In the consultation response received from the Conservation Officer, the comment made refers to the use of pilasters to break up what would otherwise be a continuous fascia.

Policy E45 makes reference to the fact that replacement shopfronts should relate in scale, proportions, materials and decorative treatment to that of adjacent buildings. members will note from the photographs reproduced following this Report, which show the completed works, that the proposal does not conflict with the policy in this regard.

The applicant has erected a timber fascia with painted lettering. Although of the same scale, the colour is different and the materials are appropriate to its location within a conservation area. The development does not constitute an obtrusive feature within the overall frontage of these retail units.

In conclusion, the building is located within the city centre conservation area and is a Key Townscape Frontage. The works have now been undertaken and are now complete. Whilst some representations received make reference to concerns about the continuous shop frontage, the shop front does not constitute an obtrusive feature within the overall streetscene and does not detract from the character or setting of the conservation area.

---

**Human Rights Act 1998:**

## SCHEDULE A: Applications with Recommendation

02/0801

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

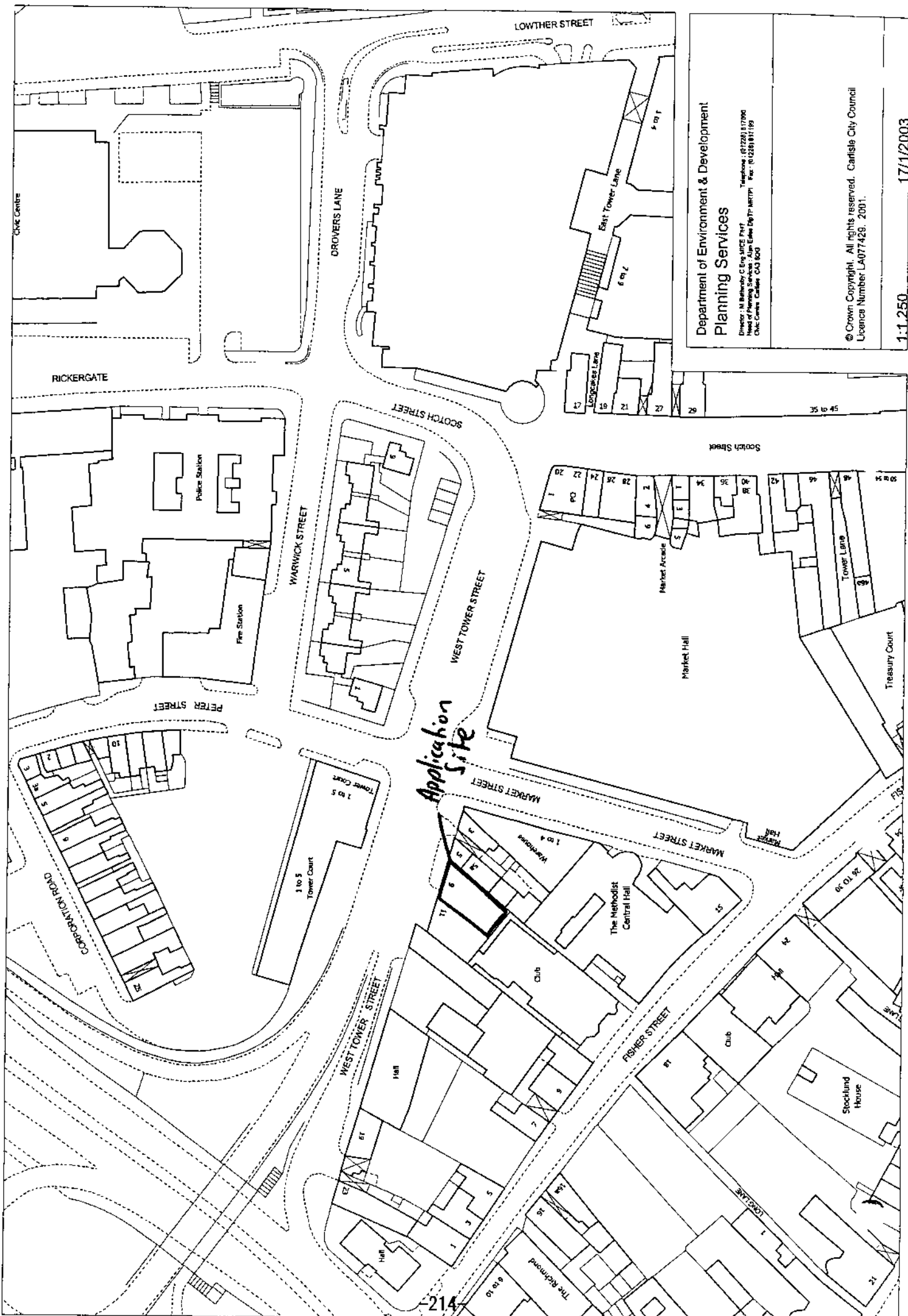
The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

---

**Recommendation:** Grant Permission ✓

---

P220 ⇒

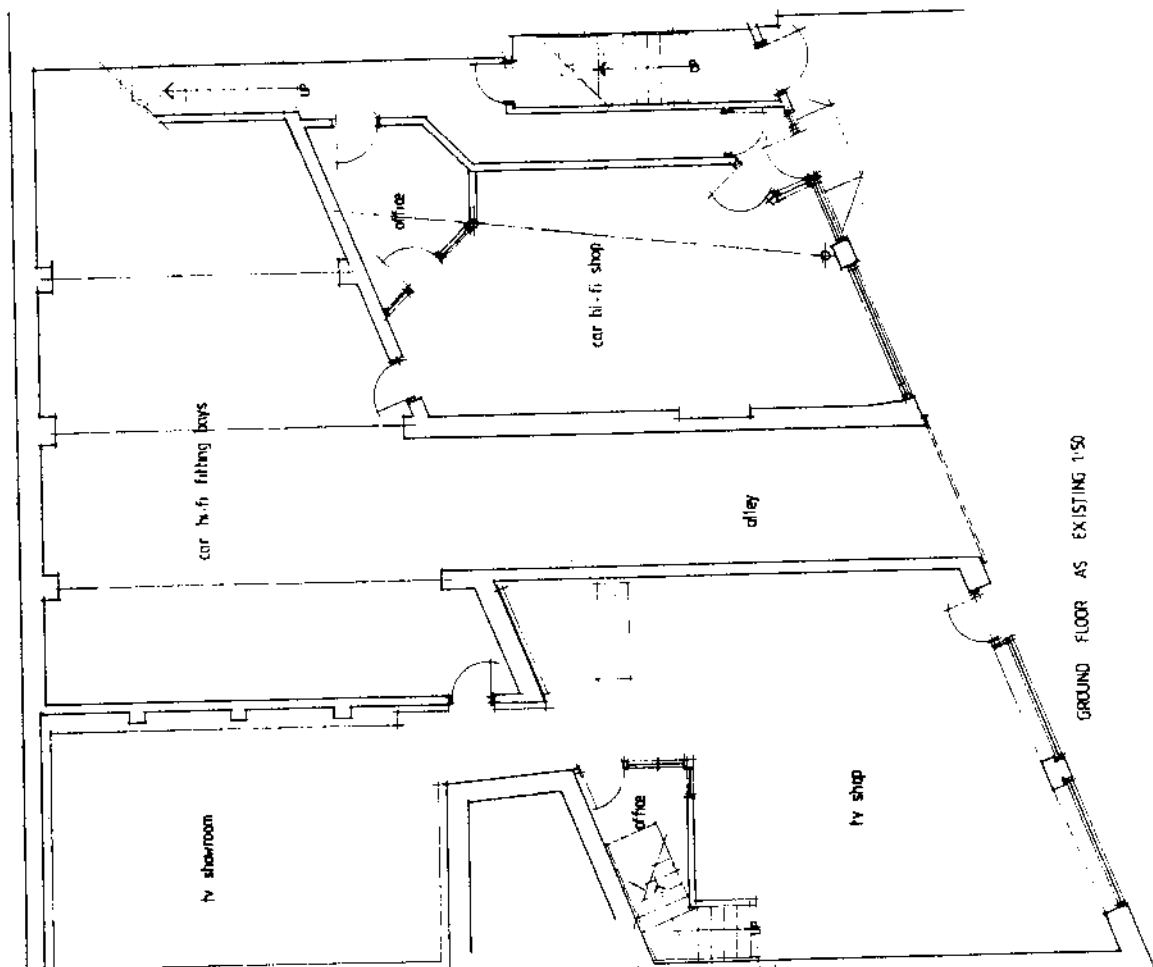


Department of Environment & Development  
**Planning Services**  
 Director: N. Mahony C.Eng. MRICE FRII  
 Head of Planning Services: Alan Eames DipT. MRTPI  
 Civic Centre Carlisle CA3 8DD  
 Telephone: 01228 317000  
 Fax: 01228 311193

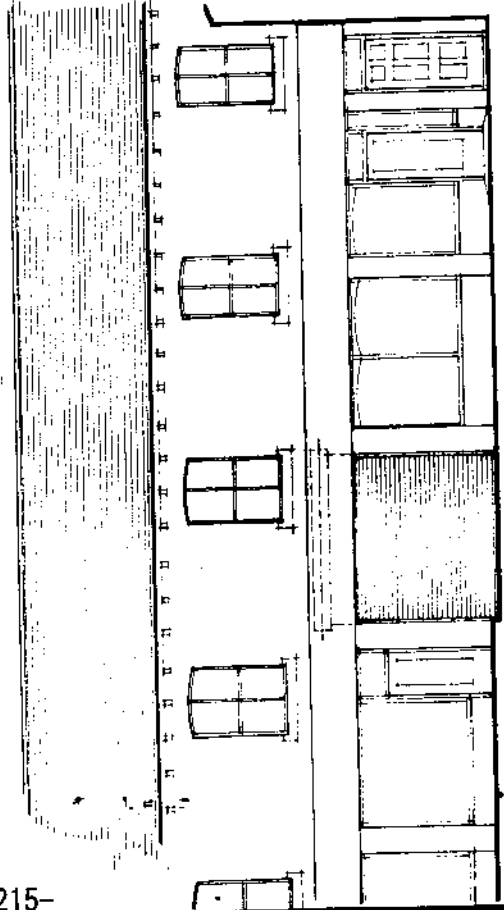
© Crown Copyright. All rights reserved. Carlisle City Council  
 Licence Number LA077429, 2001.

1:1,250 17/1/2003

11



GROUND FLOOR AS EXISTING 1:50



FRONT ELEVATION AS EXISTING 1:50

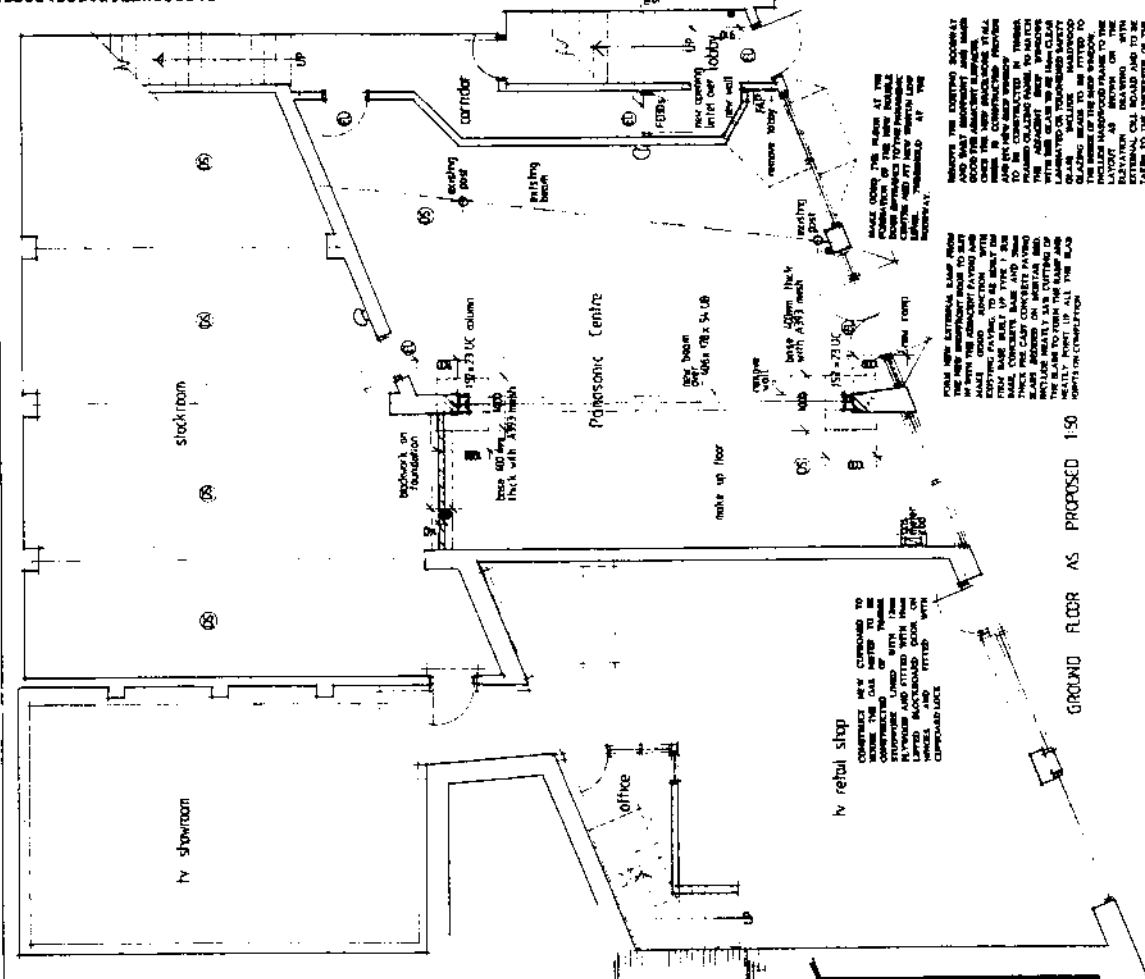
REVISED  
24 JUL 2007  
[Signature]

PROJECT	SHOP ALTERATIONS	8772071
ADDRESS	3, 4 WEST TOWER STREET	
PROPERTY AS EXISTING		1:50
DATE	7/07	
Designer	Christopher Flood	Design Consultant
Project Manager		
Client		
Contract Ref		
Project Ref		

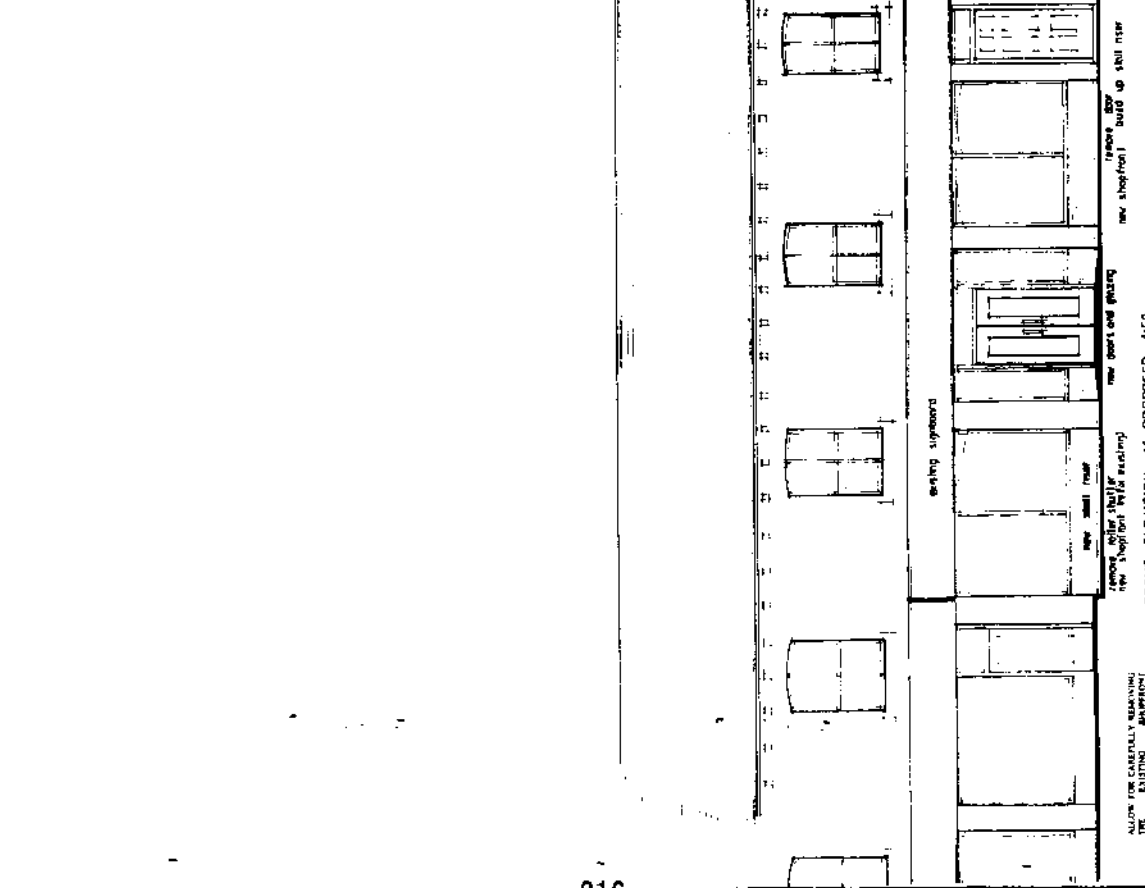
REMOVE AND RE-INSTALL THE EXISTING GLAZING AND SET ASIDE FOR RE-USE. THE EXISTING GLAZING IS TO BE RE-USED IN THE NEW SHOP FRONT. THE EXISTING GLAZING IS TO BE RE-USED IN THE NEW SHOP FRONT. THE EXISTING GLAZING IS TO BE RE-USED IN THE NEW SHOP FRONT.

REMOVE AND RE-INSTALL THE EXISTING GLAZING AND SET ASIDE FOR RE-USE. THE EXISTING GLAZING IS TO BE RE-USED IN THE NEW SHOP FRONT. THE EXISTING GLAZING IS TO BE RE-USED IN THE NEW SHOP FRONT. THE EXISTING GLAZING IS TO BE RE-USED IN THE NEW SHOP FRONT.

REMOVE AND RE-INSTALL THE EXISTING GLAZING AND SET ASIDE FOR RE-USE. THE EXISTING GLAZING IS TO BE RE-USED IN THE NEW SHOP FRONT. THE EXISTING GLAZING IS TO BE RE-USED IN THE NEW SHOP FRONT. THE EXISTING GLAZING IS TO BE RE-USED IN THE NEW SHOP FRONT.



GROUND FLOOR AS PROPOSED 1:50



FRONT ELEVATION AS PROPOSED 1:50

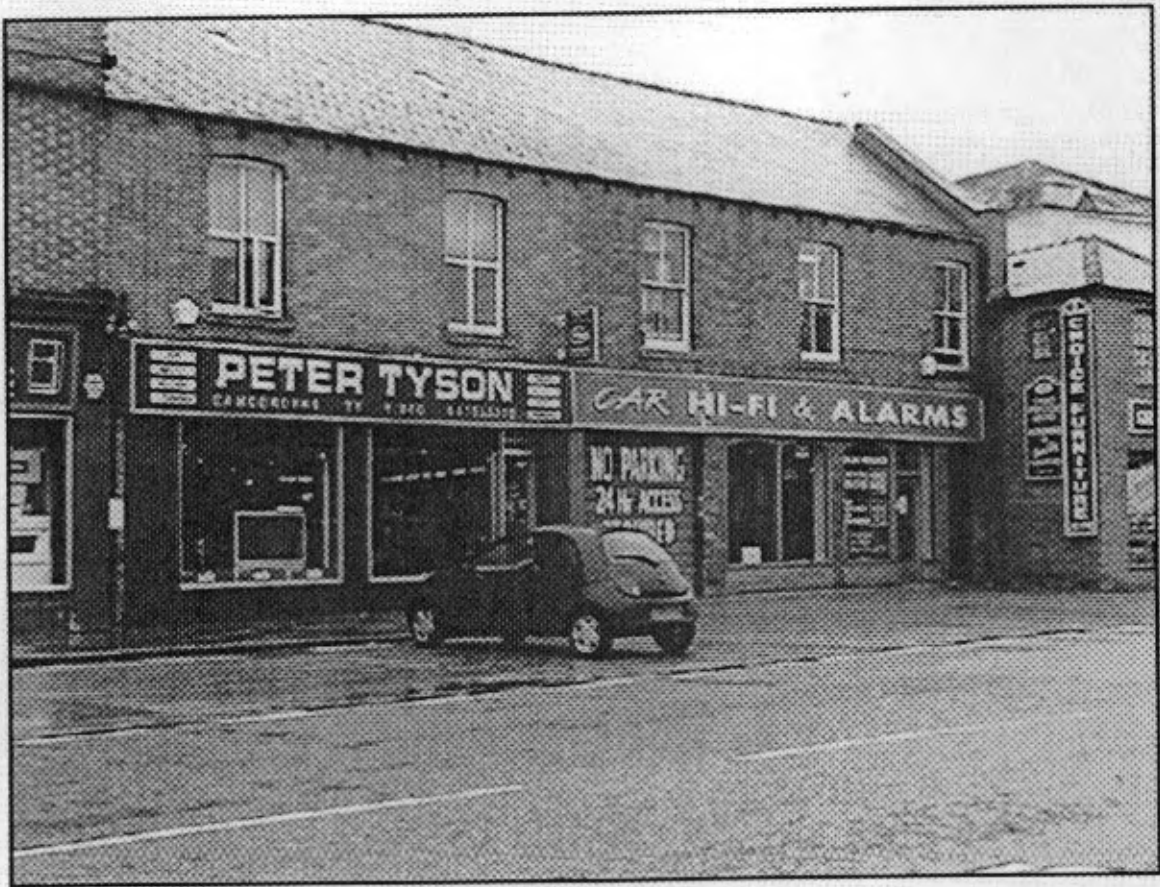
REMOVE AND RE-INSTALL THE EXISTING GLAZING AND SET ASIDE FOR RE-USE. THE EXISTING GLAZING IS TO BE RE-USED IN THE NEW SHOP FRONT. THE EXISTING GLAZING IS TO BE RE-USED IN THE NEW SHOP FRONT. THE EXISTING GLAZING IS TO BE RE-USED IN THE NEW SHOP FRONT.

REMOVE AND RE-INSTALL THE EXISTING GLAZING AND SET ASIDE FOR RE-USE. THE EXISTING GLAZING IS TO BE RE-USED IN THE NEW SHOP FRONT. THE EXISTING GLAZING IS TO BE RE-USED IN THE NEW SHOP FRONT. THE EXISTING GLAZING IS TO BE RE-USED IN THE NEW SHOP FRONT.

REMOVE AND RE-INSTALL THE EXISTING GLAZING AND SET ASIDE FOR RE-USE. THE EXISTING GLAZING IS TO BE RE-USED IN THE NEW SHOP FRONT. THE EXISTING GLAZING IS TO BE RE-USED IN THE NEW SHOP FRONT. THE EXISTING GLAZING IS TO BE RE-USED IN THE NEW SHOP FRONT.

A 27/01/02 - SKETCH REVISED  
 1:50  
 PROPERTY AS PROPOSED  
 7-9 WEST TOWER STREET  
 1930  
 CONSULTANT  
 CONSULTANT  
 CONSULTANT

7 - 9 West Tower Street 1.jpg



Peter Tyson West Tower Street 1 16.01.03.JPG



Peter Tyson West Tower Street 5 16.01.03.JPG





## SCHEDULE A: Applications with Recommendation

02/0880

---

**Item No:** 11

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/0880

**Applicant:**  
Mr S Armstrong

**Parish:**  
Wetheral

**Date of Receipt:**  
19/08/2002

**Agent:**  
Mr J Gordon

**Ward:**  
Wetheral

**Location:**  
20 Ghyll Road, Scotby, Carlisle, CA4 8BT

**Grid Reference:**  
344405 554645

**Proposal:** Erection of single storey extension to front elevation to provide hall and living room extension, two storey extension to provide kitchen and garage at ground floor, together with 2no. 1st floor bedrooms with en-suite.

**Amendment:**

1. The first floor balcony on the rear elevation has been omitted from the proposal.
2. The two storey extension has been reduced in width from 4.2 metres to 3.7 metres wide. The single storey extension has been stepped in from the boundary with the neighbouring property by 0.2 metre.
3. The gap between the proposed single storey extension to the front elevation of 20 Ghyll Road and the neighbouring conservatory, 18 Ghyll Road, has been increased to 0.5 metre to allow maintenance to be carried out.

*Sam*

---

### Report

**Planning Policies:**

**Carlisle District Plan  
Housing - Proposal H14**

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

**Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** no objection;

**Wetheral Parish Council:** no objections;

**English Nature:** no objection, subject to the attachment of one supplementary

## **SCHEDULE A: Applications with Recommendation**

02/0880

informative to any notice of consent in relation to the possible presence of bats.

### **Summary of Representations:**

This application has been advertised by means of a site notice and notification letters sent to seven neighbouring properties. Four letters of objection have been received. The issues raised have been summarised as follows:

1. loss of light to neighbouring properties;
2. there is no means of access for the maintenance of the conservatory positioned at the front of No.18 Ghyll Road;
3. the extension projects beyond the building line;
4. loss of view;
5. the extent of the alterations are excessive for this property and will not be in harmony with the adjoining semi, No.18 Ghyll Road; and
6. the design of the extension will detract from and adversely the character of the property in this rural area.

One letter of objection has been received to the amended plans submitted 23rd December. The letter of objection reiterates the objections stated above.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

There is no planning history relating to this site.

#### **Details of Proposal:**

Members will recall that this application was presented to the December meeting of this Committee. Members granted authority to issue subject to the receipt of an amended plan which increased the gap between the proposed single storey extension to the front elevation of 20 Ghyll Road and the neighbouring conservatory, 18 Ghyll Road, to 0.5 metre to allow maintenance to be carried out. An amended plan illustrating the above alteration has been received. A further letter of objection has been received to the amended plan submitted. The letter of objection received reiterates the earlier objections raised by local residents.

It will be recalled that this application seeks full planning permission for the erection of a two storey extension to the east facing gable elevation of 20 Ghyll Road, Scotby, Carlisle. The property is a two storey semi-detached property, finished in painted rough cast with a slate roof. On Ghyll Road there are a variety of different properties ranging in size and design. There are residential properties situated to either side of the property. A location plan indicating the position of the property and its relationship with neighbouring properties is reproduced following this report

The proposal, as originally submitted, would provide a garage, kitchen, living room extension and entrance hall on the ground floor. Two bedrooms, one of which is en-suite, would be provided on the first floor. The two storey extension projects 4.2

## SCHEDULE A: Applications with Recommendation

02/0880

metres from the east facing gable of the property allowing a 1.2 metre gap between the proposed extension and the boundary fence. The two storey extension projects 3 metres beyond the front of the existing property and by 2.5 metres at the rear of the property. The height of the extension matches that of the original dwelling. The single storey extension positioned on the front elevation, to provide an entrance hall and living room extension, is to be built up to the boundary of the adjacent property. It would project outwards by 2.45 metres, reaching 2.6 metres at the eaves and 3.45 metres at the ridge. The external materials used for the proposed extension will match that of the existing property. Stone quoins are to be used on both the front and rear elevation of the two storey extension. The proposal involves the demolition of the existing flat roof garage, which is situated at the side of the property, and a flat roof kitchen extension positioned at the rear.

An amended plan has been received from the applicant reducing the width of the two storey extension from 4.2 metres to 3.7 metres, allowing a gap of 1.7 metres between the proposed extension and the boundary fence. A further amended plan, received 23rd December, increases the gap between the proposed single storey extension to the front elevation of 20 Ghyll Road and the neighbouring conservatory to 0.5 metre, thereby allowing a means of access should maintenance need to be carried out to the conservatory. A plan illustrating the proposed extension is reproduced following this report.

It should be noted that this application has been brought back before the development Control Committee because of the objection received following re-consultation on the most recent amended plan.

In consideration of this application Policy H14 is relevant. Policy H14 of the Local Plan requires that extensions are of good design and are of an acceptable scale. The scale and design of the proposed extensions are considered to be appropriate to this semi detached dwelling. This Policy also seeks to protect the amenity of adjacent properties from proposals which adversely affect them, through inappropriate scale, design or unreasonable overlooking.

Members will recall that a number of objections were received to the original proposal. However, following a committee site visit Members voted to grant authority to issue subject to the receipt of an amended plan addressing the issue highlighted earlier in this report. The most recent objection received reiterates the earlier objections raised and does not raise any new issues.

The amended plan submitted has increased the gap between the proposed single storey extension to the front elevation of 20 Ghyll Road and the neighbouring conservatory to 0.5 metre, which the Members had previously considered to be acceptable. Other than the above alteration to the scheme the proposal remains unchanged and is considered to be acceptable in terms of siting, design and materials used. The proposal is in accordance with the relevant policies of the Carlisle District Local Plan and is therefore recommended for approval.

## SCHEDULE A: Applications with Recommendation

02/0880

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

{227 →

---

### Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

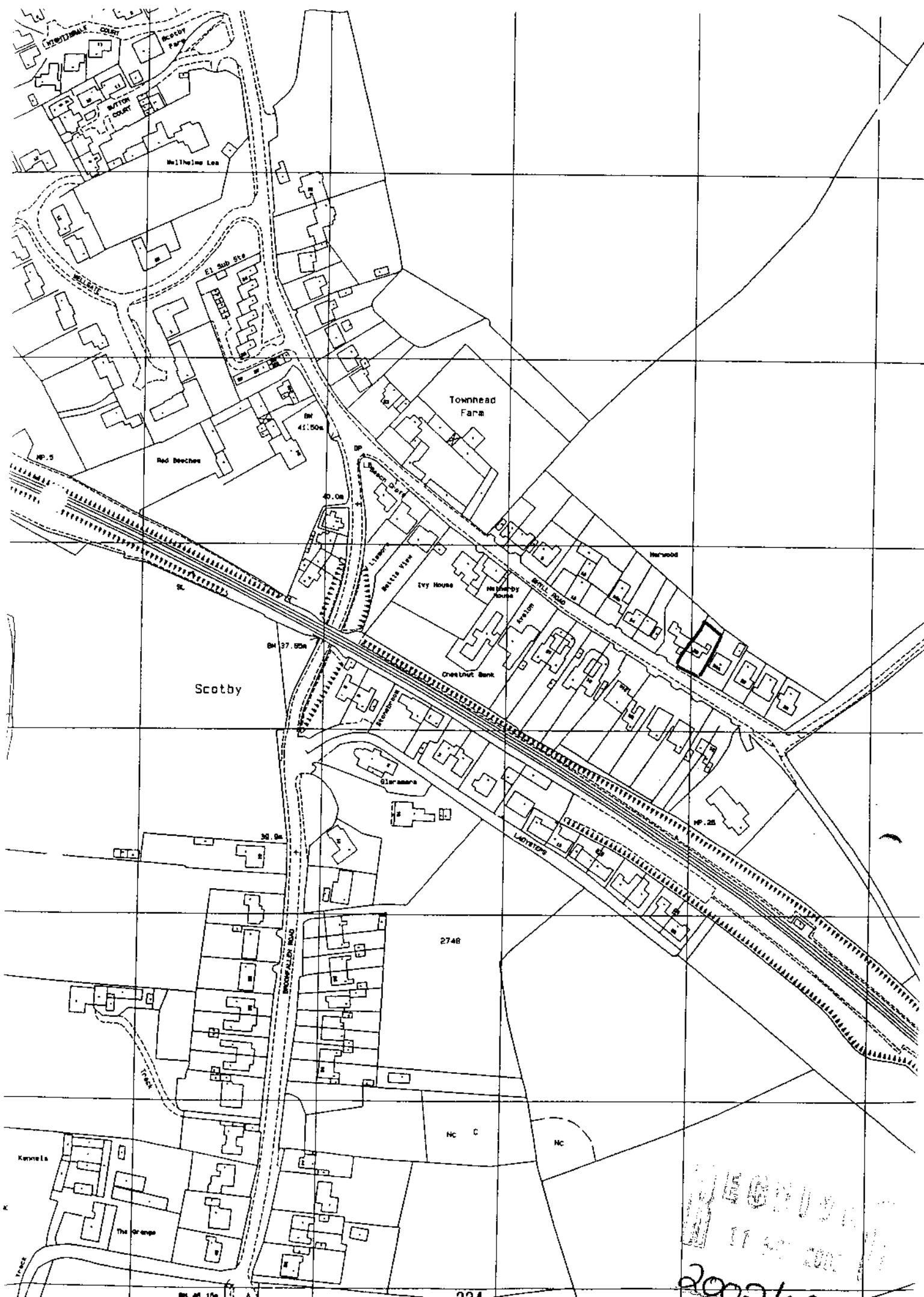
2. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

**Reason:** To ensure the works harmonise as closely as possible with the existing building.

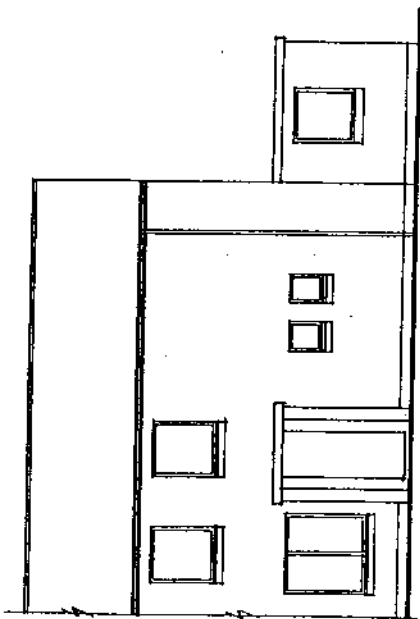
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that (order), the bathroom and toilet windows on the east facing elevation shall be obscurely glazed and remain so to the satisfaction of the local planning authority.

**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site.

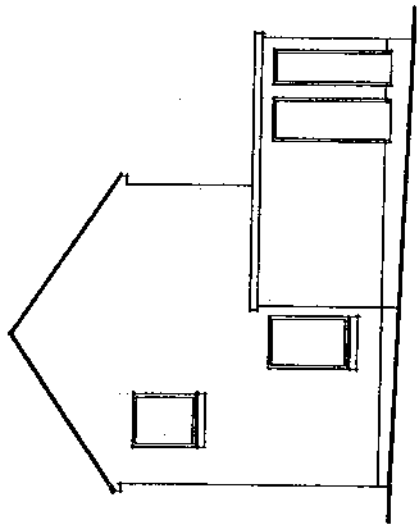
---



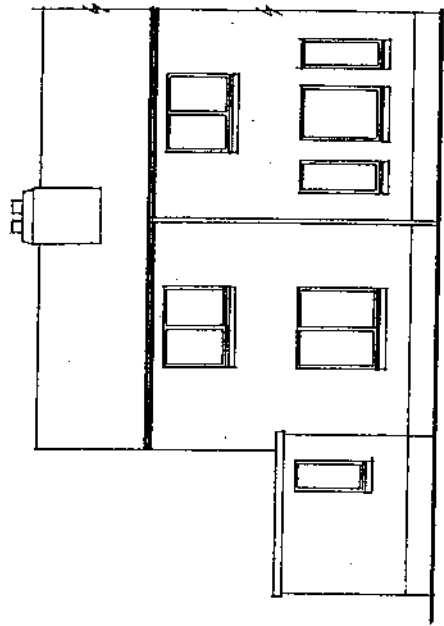
RECEIVED  
11 27 2002  
2002/08/20



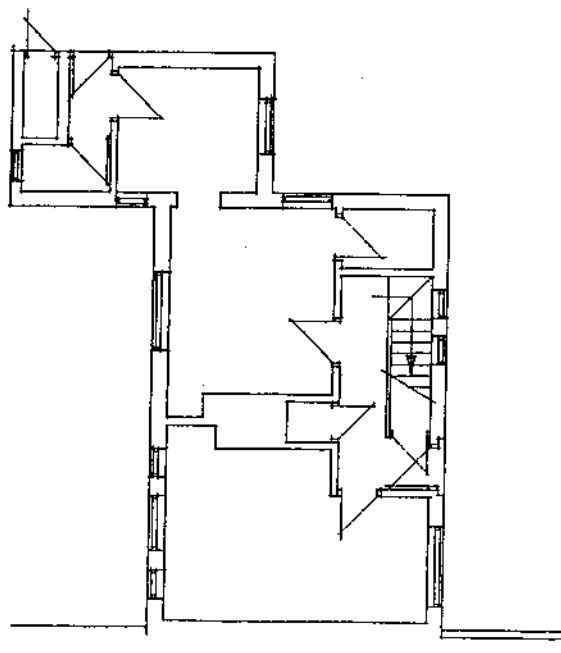
FRONT ELEVATION



SIDE ELEVATION

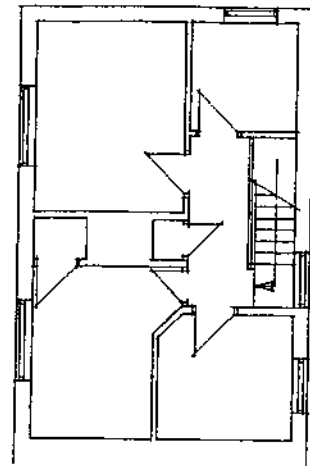


REAR ELEVATION



GROUND FLOOR PLAN

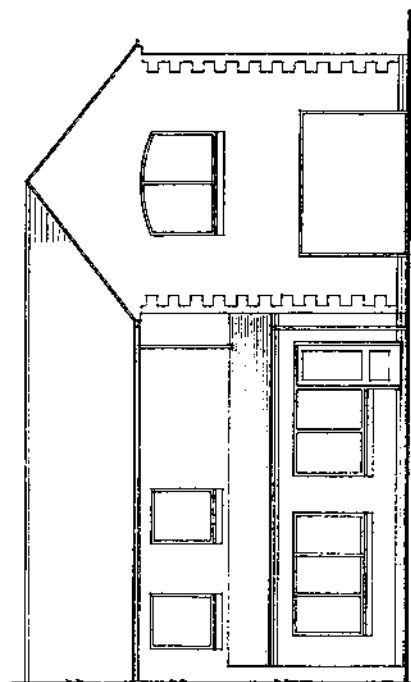
AS EXISTING



FIRST FLOOR PLAN

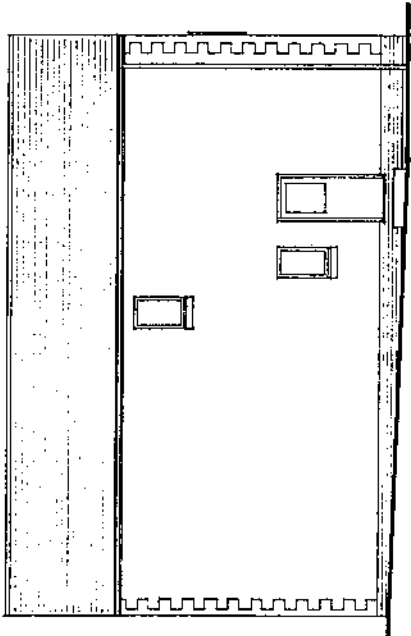
RECEIVED  
12 AUG 2002  
CITY OF SCOTBY

RECEIVED 12 AUG 2002 CITY OF SCOTBY	
PROPOSED EXTENSION 20 GHYLL ROAD - SCOTBY	
DRG. No. 1057/E	SCALE: 1-50
DATE: AUG. 2002	

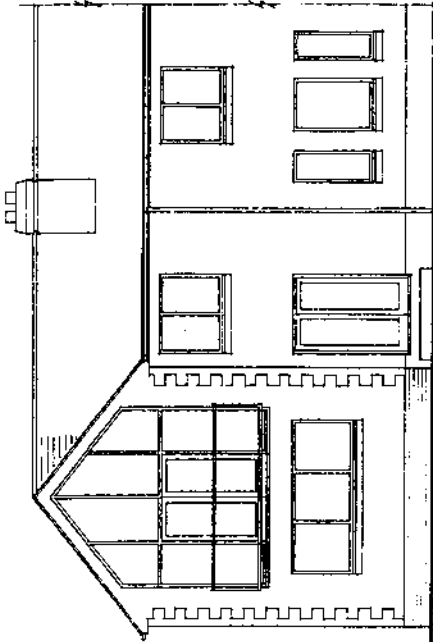


FRONT ELEVATION

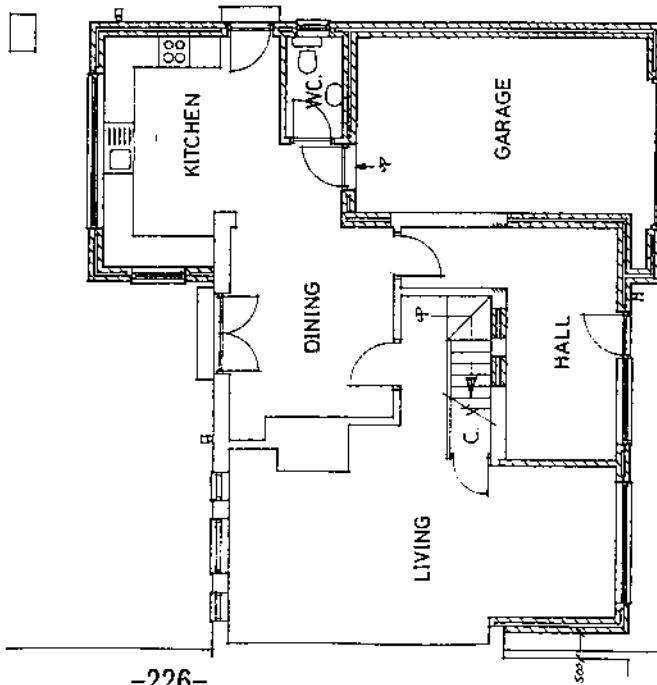
ALL NEW MATERIALS TO MATCH EXISTING.



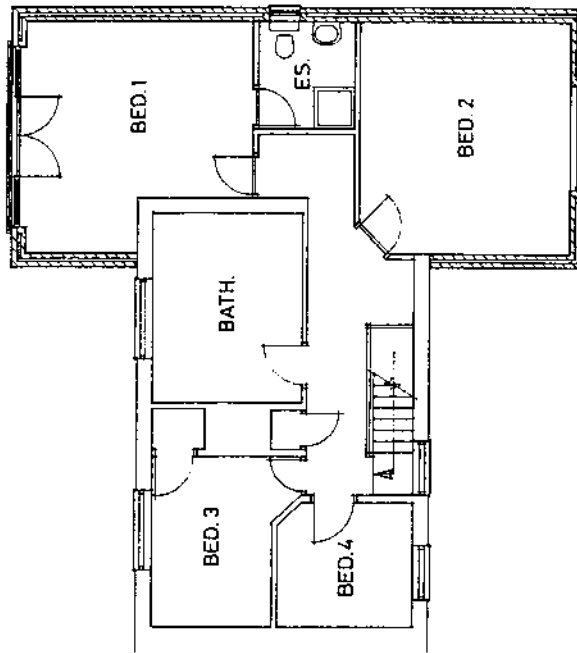
SIDE ELEVATION



REAR ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

REGISTERED  
11 016 2002  
...CAN/BRNO...

PROPOSED EXTENSION 20 GHYLL ROAD - SCOTBY	
JOHN BRIDGEMAN ARCHITECTURAL SERVICES 47 SCOTLAND ROAD CARLETON PLACE TEL: 01526 8443	DRG. No. 1057/3A SCALE: 1:50 DATE: AUG 2002

## SCHEDULE A: Applications with Recommendation

02/0931

---

**Item No: 12**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/0931

**Applicant:**  
Wallets Rural Property  
Services

**Parish:**  
Irthington

**Date of Receipt:**  
30/08/2002

**Agent:**  
Unwin Jones Partnership

**Ward:**  
Stanwix Rural

**Location:**  
L/A Field No 0063, Adj Gatesgarth, Irthington,  
Carlisle

**Grid Reference:**  
349970 561745

**Proposal:** Erection of dwelling

**Amendment:**

*Alan*

---

### Report

#### Planning Policies:

##### **Tree Preservation Order**

The site to which this proposal relates has within it a tree protected by a Tree Preservation Order.

##### **Cumbria & Lake District Joint Structure Plan Policy 3**

The diversification of the rural economy and the maintenance of the vitality of rural life will be assisted through a favourable response to developments which provide local benefits and are sensitive to the local environment.

##### **Cumbria & Lake District Joint Structure Plan Policy 25**

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

##### **Cumbria & Lake District Joint Structure Plan Policy 40**



## **SCHEDULE A: Applications with Recommendation**

02/0931

In rural settlements outside the National Parks and AONBs, housing development will normally be permitted, especially where it would help to sustain the existing local community, and provided it is in sympathy with the scale and character of the existing settlement. Outside rural settlements, new dwellings will normally only be permitted for those engaged in agriculture where such a dwelling is essential for the working of the farm.

### **Carlisle District Plan Housing - Proposal H5**

Within the following settlements, large scale residential development will not be permitted. Proposals for small scale residential development will normally be acceptable providing that:

1. The site is well related to the landscape of the area and does not intrude into open countryside; and
2. The scale of the proposed development is well related to the scale, form and character of the existing settlement; and
3. The layout of the site and the design of the buildings is well related to existing property in the village; and
4. The siting and design of the buildings is well related to and does not adversely affect the amenity of neighbouring property; and
5. Appropriate access and parking can be achieved; and
6. The proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
7. The proposal will not lead to the loss of the best and most versatile agricultural land.

Aglionby, Baldwinholme, Banks, Barclose, Beaumont, Blackford, Blackwell, Boltonfellend, Boustead Hill, Broadwath, Brisco, Brunstock, Burgh-by-Sands, Burnrigg, Cardewlees, Cargo, Carleton, Castle Carrock, Cotehill, Cumdivock, Cummersdale, Cumrew, Cumwhinton, Cumwhitton, Durdar, Easton, Farlam, Faugh, Fenton, Gaitsgill, Gilsland, Great Corby, Great Orton, Grinsdale, Hallbankgate, Harker, Hayton, Hayton Townhead, Heads Nook, Hornsby, Boughton, How Mill, Irthington, Kirkcambeck, Kirkandrews-on-Eden, Knells, Lanercost, Laversdale, Linstock, Little Orton, Low Crosby, Longburgh, Low Row, Lyneholmford, Midgeholme, Milton, Moat, Monkhill, Moorhouse, Newby East, Newtown, Raughtonhead, Rockcliffe, Rickerby, Scaleby, Scotby, Smithfield, Stainton, Stockdalewath, Talkin, Tarraby, Thurstonfield, Tindale, Todhills, Walton, Warwick-on-Eden, Warwick Bridge (including Little Corby & Corby Hill), Westlinton, Wetheral, Wetheral Pasture.

## **SCHEDULE A: Applications with Recommendation**

02/0931

### **Carlisle District Plan Housing - Proposal H16**

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

### **Carlisle District Plan Housing - Proposal H17**

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** no objections subject to the imposition of 3 planning conditions;

**Irthington Parish Council:** this is considered to be an extremely large house with regard to existing houses on this side of the road. It is considered that its position would have a huge visual impact as it is one of the few open areas of the village. It would be very visible and spoil the views of adjacent houses and would be a modern house where others are of more traditional design;

**Environment Agency (N Area (+ Waste Disp)):** no comments on this application.

### **Summary of Representations:**

These proposals have been publicised through the use of a Site Notice placed on the land and written notification sent to the occupiers of neighbouring properties. There have been no representations.

### **Details of Proposal/Officer Appraisal:**

## **SCHEDULE A: Applications with Recommendation**

02/0931

### **Planning History:**

In June 1980 Outline Planning Permission was refused for the erection of 3 dwellings on the adjacent Field 0063 to the west of the application site. An Appeal against that decision was dismissed in April 1981.

### **Details of Proposal:**

Members may recall that the Report on this application was presented to the last meeting of the Committee (20th December) when Members indicated they were "Minded to Refuse" the application but consideration was deferred in order that the "Reasons of Refusal" could be evaluated.

It will be recalled that the proposal relates to a site extending to just in excess of 0.14 hectares which is situated within the centre of Irthington almost opposite the T-junction turning towards Newtown (see location plan).

The proposed site comprises part of the garden to the side of the existing dwelling to the east, known as Gatesgarth, but amalgamates that side garden with part of the adjacent field to the south to create a common rear boundary with the properties to the east.

It is proposed to develop the site to provide a 4/5 bedroomed house with related double garaging. The dwelling would be set down towards the rear of the site, which sits at a lower level (circa 1.5m) than the road although the garage would be positioned nearer to the roadside and have steps up to it.

The proposed dwelling would be built of random sandstone walling on its northern side, facing the street, but with rendered and painted walls to the sides and rear with dressed sandstone quoins, sills and lintels. It would be roofed with reconstituted slate and windows would be white painted high performance timber.

The dwelling is proposed to be sited so that the main facade of the house sits back approximately 14 metres at its closest point to the road. It is designed to avoid overlooking to/from the nearest dwelling on the opposite side of the road (Garth Foot) with its main public rooms facing south and west. The dwelling is also sited to enable the retention of two semi-mature beech trees within the plot.

The severance of that side areas of garden from "Gatesgarth" still leaves that property with a deep rear garden (26 metres) and also provides for that dwelling to have an independent vehicular access. Similarly, the siting of the proposed dwelling is designed to avoid any loss of amenity from windows in the side wall of that existing dwelling.

Members will note that the Parish Council has expressed some concerns related, it seems, not to the principle of development but to the scale of the dwelling, its visual impact and the effects it may have on views from other properties. The dwelling is also described as being a very modern house where all others are more of more traditional design. It is fair to say, however, that the applicants have endeavoured to respect the finishes and features of development within Irthington whilst there is

## SCHEDULE A: Applications with Recommendation

02/0931

nothing overtly modernist in its architecture.

Nonetheless, the architect was asked to examine the scheme design to seek to deal more satisfactorily with its scale notably in respect of the extensive roofline. These discussions focussed on breaking the length of the roofline by stepping down the ridge, and related eaves line, at one end of the building. Revised drawings showing these changes were available at the Site Visit and Members will recall that the representatives of the Parish Council were satisfied with these changes.

In addition to siting, design, detailing, finishes and visual impact issues generated by the proposal, Members are aware that consideration must be given, in assessing the proposal, to the approach the Council has resolved to adopt to housing in the rural area following the production of the *Interim Housing Policy Statement* (Report EN.120/02).

It will be recalled that the assessment carried out as part of the statement is a response to the need identified in PPG3: Housing for LPA's to review their adopted policy provision in the light of advice within the Guidance Note. Moreover, it allowed a thorough evaluation of the criticisms levelled in respect of housing proposals for other sites in the Council's rural areas that there is no need for other consents to be issued since there is both a surplus of approved sites and a development rate in the rural area that is greater than planned.

Those factors, combined with the uncertainty of the major urban housing allocation at Morton due to the "call-in" of planning applications for that area, has led to an imbalance between the amount of "urban" housing completions and those in the "rural" area, contrary to the urban emphasis of PPG3 and the District Plan itself. In summary new dwelling units in the rural area represents 38% of the total number of housing completions, whereas the District Plan target is 30%. Measured over the 15 year lifetime of the District Plan, of which 73% has lapsed, 79% of the rural target for the lifetime of the Plan has already been met but only 55% has been provided of the urban target for the equivalent period. In practical terms this translates, at this point in the plan period, to an over-supply of 125 units in the rural area and an under supply in the urban area of 850 units. Similarly, the aggregate of outstanding units with planning permission and the number of completions that have taken place in the rural area since 1991 (the start of the plan period) would suggest that by 2006 there is a potential over supply in the rural area of circa 130 units compared to the District Plan requirement.

Historical trends indicate, however, that not all outstanding consents are likely to be implemented while other units which do come to be built will, in some instances, happen beyond the end of the plan period (2006). Some currently outstanding consents will come forward for renewal as they "expire" and these will need to be re-assessed against adopted planning policy as it applies at that time. That will necessitate the Council being more circumspect when considering such applications to ensure that they meet the "thrust" of PPG3 (as a material consideration) and would suggest that not all sites will be renewed.

The *Interim Housing Policy Statement* recognises, in accord with advice in PPG3, that it is important to maintain a supply of housing in the District. This should

## SCHEDULE A: Applications with Recommendation

02/0931

obviously include some element of rural provision. Nonetheless, in order to properly guide such development, and again in line with the "sustainable" emphasis of the District Plan and PPG, it is imperative that the *Interim Housing Policy Statement* provides a mechanism to more closely control the supply of housing not merely in quantitative terms but also in locational terms.

With regard to the latter objective, it has become increasingly apparent that the criteria based approach within Policy H5 of the District Plan, whilst still having merit in the larger villages that have a significant service role, is no longer a relevant or appropriate tool in many of the other rural settlements to which H5 has hitherto applied. In simple terms, a great many of the District's rural settlements lack any form of community or social facilities upon which to focus new development opportunities in a "sustainable" way while their overall rurality would mean increased vehicle movements and related travel patterns to even most basic amenities or facilities e.g. children to primary school, trips to the Post Office, church etc.

It is clear, therefore, that new development opportunities in the rural area should be focussed on those settlements that display the greatest range of facilities and amenities and thus fulfill a rural service centre role. Attributes that such settlements would possess would be a village shop and/or post office, public house, school, village hall, church, garage/filling station together with public transport connections although, clearly, not all settlements will possess the full range. Nonetheless, those villages that display a significant number of such facilities would logically be in the higher order of settlements where future development of appropriate scale should, ideally, be directed.

There is, of course, a fundamental proviso to that strategy and that is the availability of suitable sites. Some settlements that possess a school or church or village hall may possess little else and may simply not have a site that could be developed without extending into open countryside or areas of landscape significance or would fail to knit within the structure or form of the settlement.

With regard to the current application, Members will recognise that the site is within the village centre and includes a substantial part (and all of the frontage to the highway) of an existing garden. Moreover, Irthington is a village that fulfills the rural service centre role since it possesses a school, church, village shop/post office, public house and has a bus service. It is thus consistent with the objective of the *Interim Housing Policy Statement* that any additional new residential development should be provided within the larger rural villages that perform a service centre role.

Nonetheless, in discussing the proposals at the meeting in December, Members focussed on the fact that the rear section of the proposed site was currently part of the existing field and took the view that the proposals would result in an encroachment of development into open land at the edge of the village. Moreover, some Members referred to site as being an important open space within the village in conjunction with the adjacent open field to the west of the application site and believed that approval of the application would be a precedent leading to the loss of that visual amenity. Consequently, the recommendation of approval was not accepted.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

There is no obvious conflict between the proposals and the provisions of the Act with regard to any adjacent or nearby property.

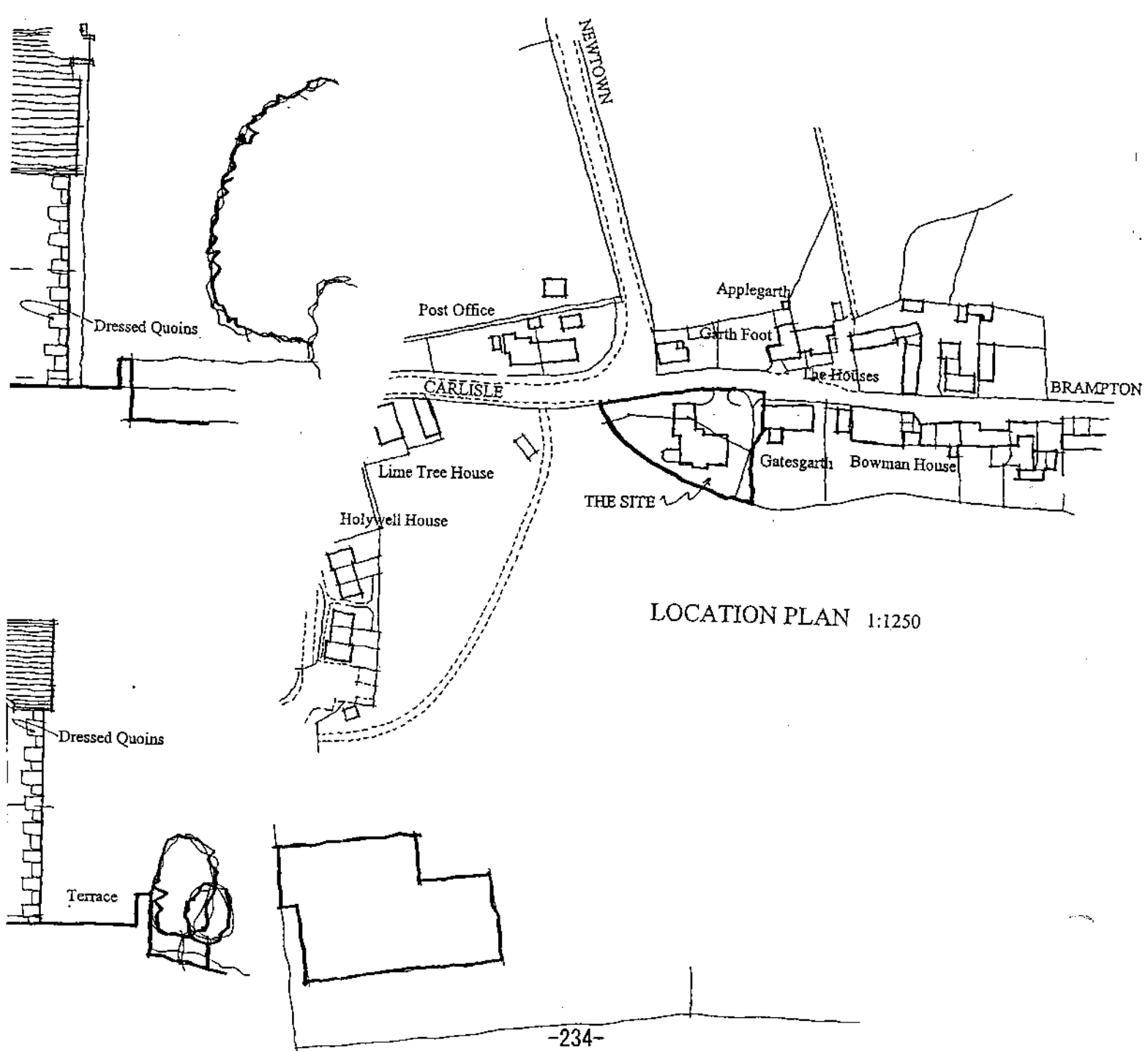
---

### Recommendation: Refuse Permission ✓

1. **Reason:** The proposal would result in the extension of development into the open land to the rear of the street frontage and beyond the village margins and would thus be contrary to the provisions of Criterion 1 and Criterion 5 of Policy H5 of the Carlisle District Local Plan.
2. **Reason:** The proposed site forms part of an area of open amenity land within the centre of the village and its' development would thus be contrary to the provisions of Policy E50 of the Carlisle District Local Plan which seeks to protect important amenity areas in villages from inappropriate development.

---

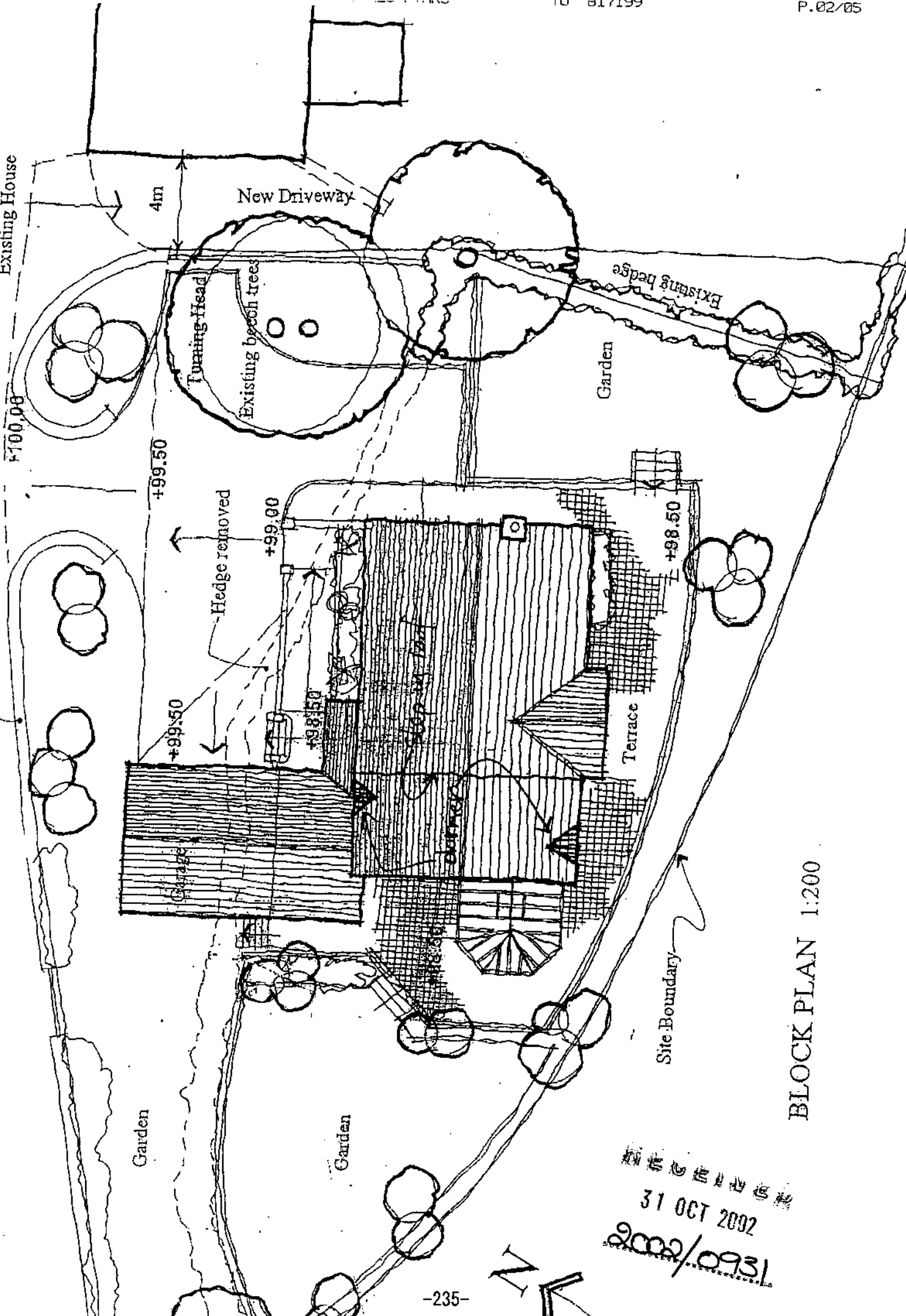
page 23A →



LOCATION PLAN 1:1250

NEW ACCESS TO  
Existing House

Existing Sandstone wall retained



+100.00

+99.50

+99.50

+99.00

+98.50

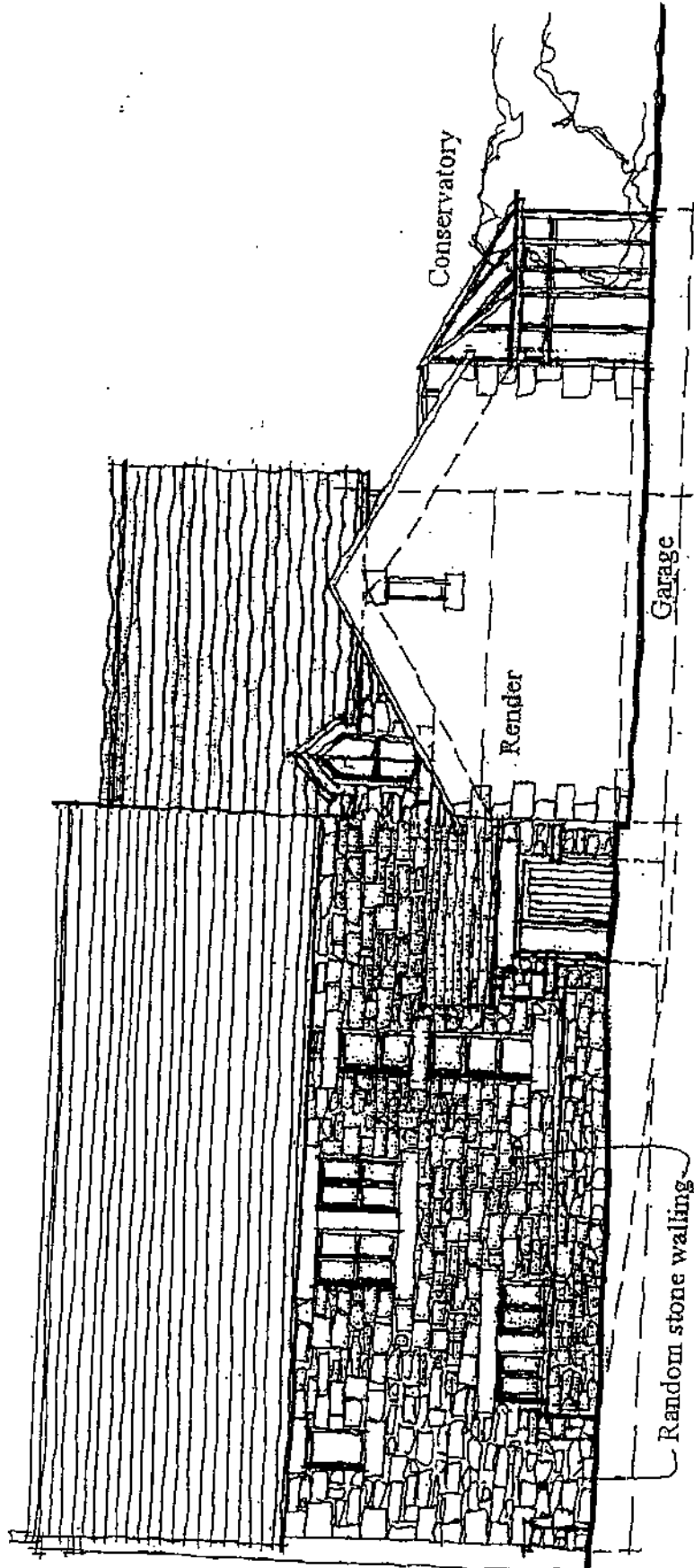
BLOCK PLAN 1:200

31 OCT 2002  
2002/0931



Dressed Quoins

EAST ELEVATION 1:100



NORTH ELEVATION 1:100

EXTERNAL MATERIALS

Walls

Random

Roughcast

Dressed

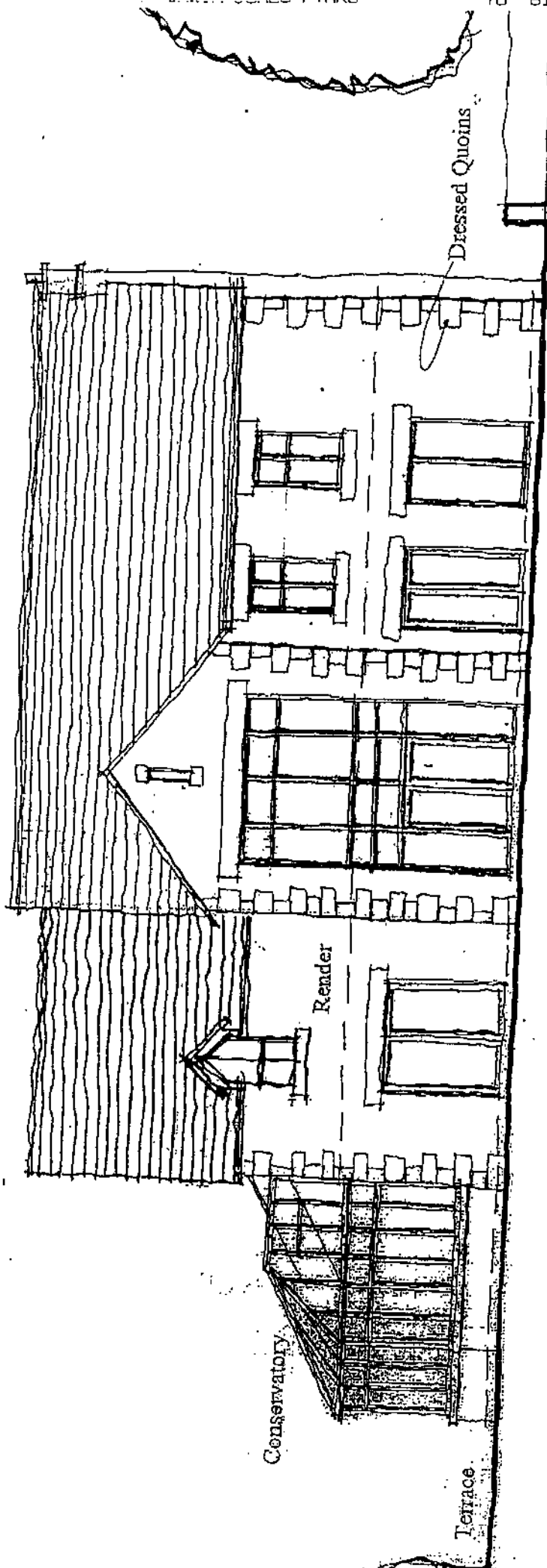
Roof

Recenst

Windows

High

RECEIVED  
 31 OCT 2002  
 2002/0931



Dressed Quoins

Render

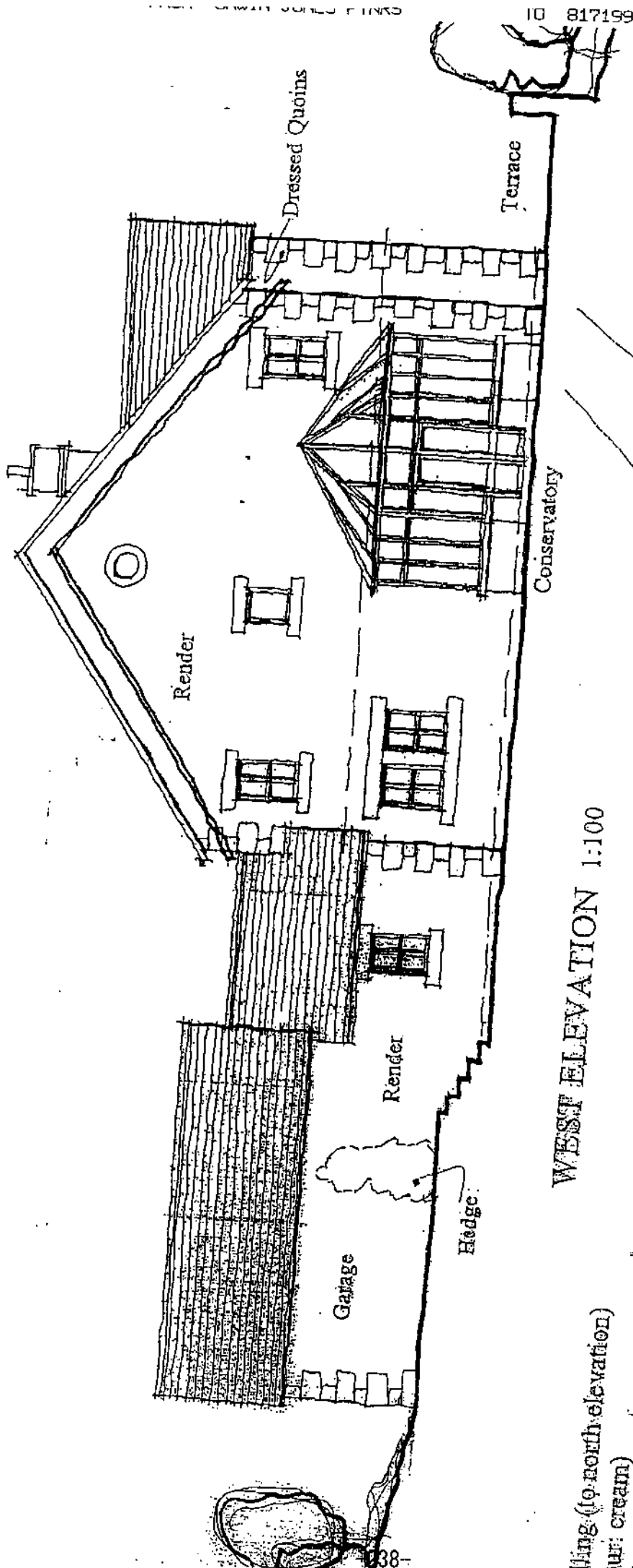
Conservatory

Terrace

SOUTH ELEVATION 1:100

RECEIVED  
 31 OCT 2002  
 2002/0931

SOUTH ELEVATION 1:100



WEST ELEVATION 1:100

RECEIVED  
 21 OCT 2002  
 2002/0931

align (to north elevation)  
 color: cream  
 points to corners as shown

color: (frames - white)

## SCHEDULE A: Applications with Recommendation

02/0976

---

Item No: 13

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/0976

**Applicant:**  
Mr & Mrs Forster

**Parish:**  
Brampton

**Date of Receipt:**  
26/09/2002

**Agent:**  
Hogg & Robinson Limited

**Ward:**  
Brampton

**Location:**  
53 Townfoot Park, Brampton

**Grid Reference:**  
352500 561019

**Proposal:** Conversion of garage to day room, together with construction of 2 storey extension to provide double garage and utility, with 1 no. ensuite bedroom above

**Amendment:**

SAM

---

### Report

#### Planning Policies:

#### **Carlisle District Plan Housing - Proposal H14**

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

#### Summary of Consultation Responses:

**Cumbria County Council - (Highway Authority):** no objections.

**Brampton Parish Council:** no objections.

**Planning Services - Local Plans:** the trees are in an inappropriate location and are struggling to survive, as indicated by early leaf loss. There are too many trees crowded together in a cramped space, with little public amenity value. As such no objections are raised to their removal.

**English Nature:** no objection, subject to the attachment of one supplementary informative to any notice of consent.

#### Summary of Representations:

## **SCHEDULE A: Applications with Recommendation**

02/0976

This application has been advertised by means of a site notice and notification letters sent to five neighbouring properties. Two letters of objection have been received from local residents. The issues raised have been summarised as follows:

1. loss of light to their properties;
2. loss of privacy;
3. the proposed extension is out of character with other properties on the estate;
4. potential structural disturbance; and
5. potential increase in the noise generated by the applicant, who rebuilds motorcycles as a hobby.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

In 1995 planning permission was granted for the change of use of public open space to garaden area on a small parcel of land to the south of 53 Townfoot Park.

#### **Details of Proposal:**

Members will recall that this application was presented to the December meeting of this Committee where Members resolved that they were minded to refuse the proposed development and requested that the reasons for refusal be drawn up for consideration at this Committee meeting.

Members considered that the proposed two storey extension was not in keeping with the surrounding properties in the estate and that by virtue of its visual appearance the proposed extension would have an adverse impact upon the street scene. Members also considered that the proposed development would be it more difficult to manoeuvre vehicles to and from the application site onto the estate road, thereby would thereby give rise to a hazard to other road users and increase the risk of accidents. On that basis Members considered that the proposal would therefore be detrimental to highway safety.

It will be recalled that this application seeks full planning permission for the erection of a two storey extension to the side elevation of 53 Townfoot Park, Brampton. The property is a modern two storey brick built property with a tiled roof. It is situated within a residential estate. There are residential properties situated on either side of the property. A site plan illustrating the location of the property and the adjacent properties has been reproduced following this report. A six foot high close boarded fence encloses the property to the side and the rear.

The proposed two storey extension would be sited on the south east facing gable wall of the property. The application, as submitted, involves the conversion of the garage to a day room, together with the erection of a two storey extension to provide a double garage and utility on the ground floor and an en-suite bedroom above. The first floor element of the proposed extension measures 2.95 metres in width and therefore does not extend over the full width of the proposed double garage. The

## SCHEDULE A: Applications with Recommendation

02/0976

rear of the proposed extension has been staggered to allow a means of access between the rear of the extension and the boundary fence. The height of the two storey extension matches that of the original dwelling. The floor levels of the proposed extension are the same as the existing dwelling. The external materials to be used will match those of the existing property. A plan illustrating the proposed extension is reproduced following this report.

In considering this application Policy H14 of the Carlisle District Local Plan is of relevance.

The proposal involves the removal of three trees. The trees are struggling to survive, as indicated by early leaf loss. There are too many trees crowded together in a cramped space, with little public amenity value. The removal of these trees is not thought to be detrimental to the visual amenity of the area.

Two letters of objection have been received from the occupiers of neighbouring properties. The grounds for objection relate to loss of light, loss of privacy, the design of the extension, potential structural disturbance as a result of the extension and a potential increase in the noise generated by the applicant, who rebuilds motorcycles as a hobby.

Members will recall that they visited the site on the 18th December 2002. Following the site visit Members concluded that the proposed extension to the dwelling would be out of character with the surrounding properties in the estate and that by virtue of its visual appearance the proposed extension would have an adverse impact upon the street scene.

Members also considered that the proposed development would make it more difficult to manoeuvre vehicles into and out of the site, and would thereby give rise to a hazard to other road users and increase the risk of accidents. However, given that the Highway Authority raised no objection to the proposal it is considered that Members concerns regarding highway safety provide insufficient reason to recommend refusal.

The above concerns expressed by Members have been reflected in the reasons for refusal.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority

## SCHEDULE A: Applications with Recommendation

02/0976

to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

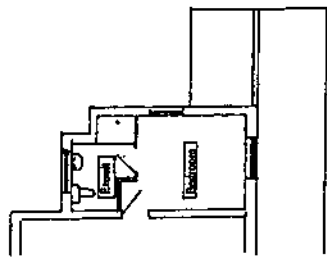
---

**Recommendation:** Refuse Permission

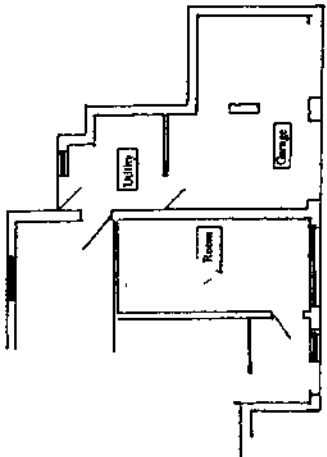
1. **Reason:** The two storey detached dwelling is located in a prominent position within the housing estate, at the junction of two estate roads. The proposed extension, which would result in the formation of a staggered gable wall, would form an incongruous and obtrusive feature, which would not be in keeping with the surrounding residential properties. The proposed two storey extension, by virtue of its poor design, would have an adverse affect upon the street scene. The proposal is therefore inappropriate to the dwelling and would be contrary to Policy H14 (Extensions to Dwellings) of the Carlisle District Local Plan.

---

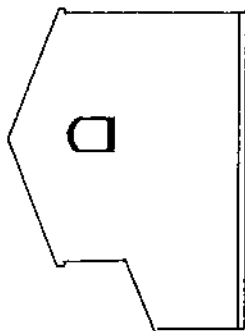
P245 →



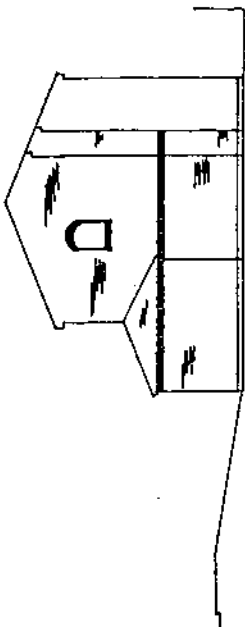
Proposed 1st Floor



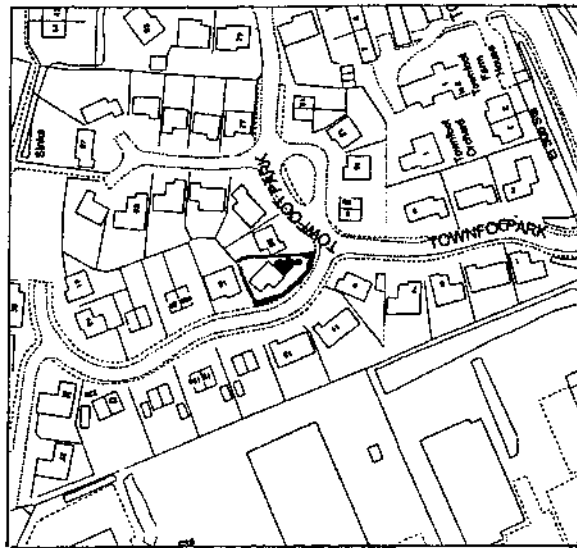
Proposed Ground Floor



Existing Side Elevation



Proposed Side Elevation



**External Finishes**

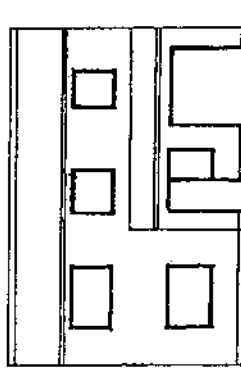
**Roof**  
 Mainly modern tile to match existing with Code 4 lead flashings & trays.

**Walls**  
 Clay facing brick to match existing. Internal to be 100mm fenlight blocks with Plasterboard and skim finish.

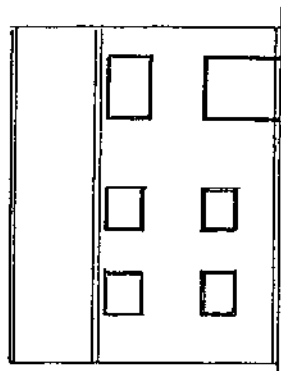
**Windows**  
 White UPVC to match existing.

**Doors & Sills**  
 Dark brown to match existing.

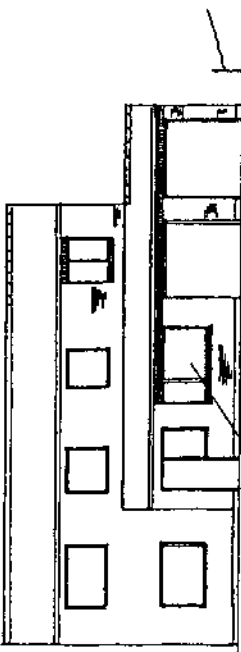
**Ground work**  
 Black pavours to patle & drive to Match existing.



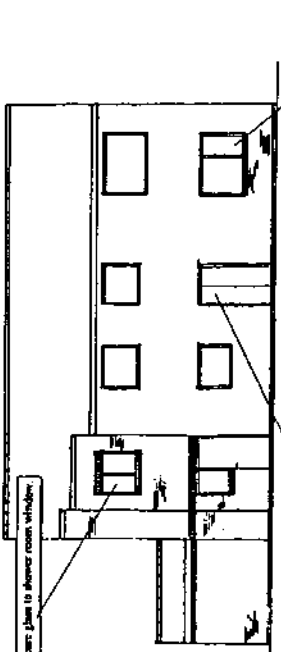
Existing Front Elevation



Existing Rear Elevation



Proposed Front Elevation



Proposed Rear Elevation

Remove existing garage door and fit new window and make good brickwork.

Occur: Plan to remove room window.

Remove existing patio door, fit new window and make good brickwork.

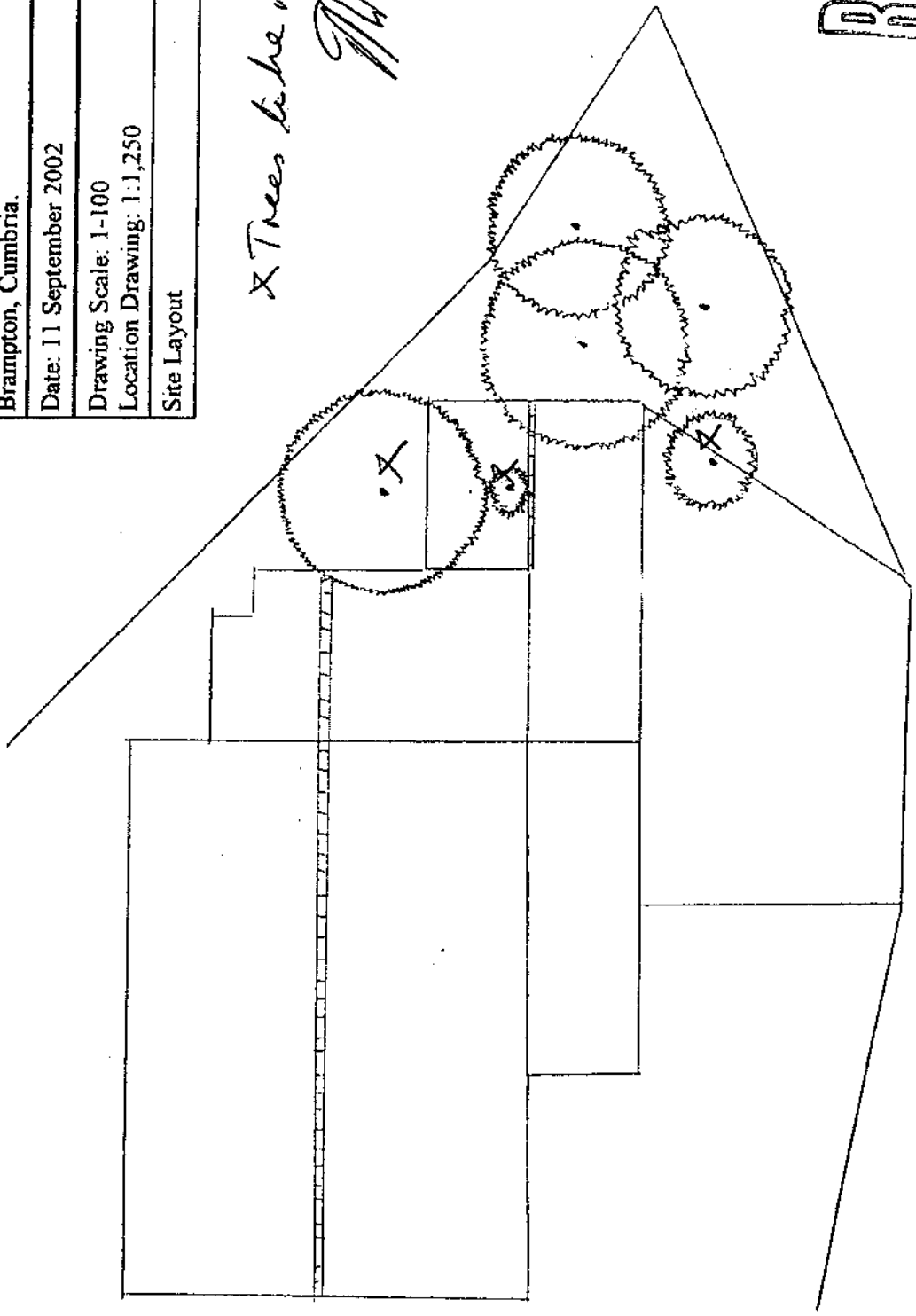
Remove existing window and fit French door.

HOGG & ROBINSON DESIGN SERVICES  
 Proposed Extension To 33 Townfog Park,  
 Marston, Cambs.  
 Date: 11 September 2002  
 Drawing Scale: 1:100  
 Location Drawing: 1.1.219



HOGG & ROBINSON DESIGN SERVICES
Proposed Extension To 53 Townfoot Park, Brampton, Cumbria.
Date: 11 September 2002
Drawing Scale: 1-100
Location Drawing: 1:1,250
Site Layout

*X Trees to be removed*  
*MH 9/10/02.*



**RECEIVED**  
 23 SEP 2002

*2002-1097K*

## SCHEDULE A: Applications with Recommendation

02/1017

---

**Item No: 14**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1017

**Applicant:**  
Mr & Mrs K Hollis

**Parish:**  
Wetheral

**Date of Receipt:**  
23/09/2002

**Agent:**  
L W Rook

**Ward:**  
Wetheral

**Location:**  
4 Holme Close, Scotby, Carlisle, CA4 8BN

**Grid Reference:**  
343933 555810

**Proposal:** Erection of sun room.

**Amendment:**

1. Reduction in the ldepth of the sunroom from 4.1 metres to 3.3. metres.

---

**Report**

**Planning Policies:**

**Carlisle District Plan  
Housing - Proposal H14**

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

**Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** no objections.

Further comments received on 23rd December read 'no objections';

**Wetheral Parish Council:** no objections;

Further comments received on 15th January read 'no objections'.

**Summary of Representations:**

This application has been advertised by means of notification letters sent to two neighbouring properties. One letter of objection has been received. The grounds for objection is that the proposed extension would result in a loss of light to the conservatory positioned at the rear of their property.

### Details of Proposal/Officer Appraisal:

#### **Planning History:**

A two storey extension to the side elevation has been erected at the property. The application which relates to this development cannot be located.

#### **Details of Proposal:**

Members will recall that this application was considered at the previous meeting of this Committee. The report presented to Committee stated that the conservatory at the rear of No.3 Holme Close projected outwards by 3 metres. The objector questioned this at the meeting, stating that the actual measurement was 2.8 metres. Members had granted authority to issue on the understanding that the conservatory measured 3 metres in depth. Following the meeting the objector contacted the Planning Department with regards to this matter. The Officer revisited the property to measure the conservatory in the presence of the objector. The original measurement was incorrect and the conservatory actually measures 2.88 metres, 0.12 metres less than previously stated.

It will be recalled that this application seeks planning permission for the erection of a sunroom to the rear of 4 Holme Close, Scotby, Carlisle. The property is a modern brick built property with a tiled roof. The rear elevation of the property has been finished with pebbledash. The property is situated within a residential area. The application site is enclosed to both the south east and north west by residential properties. To the rear of the application site is open countryside.

The proposal, as originally submitted, seeks approval for the erection of sunroom adjacent to the boundary with No.3 Holme Close. The dimensions of the proposed extension measure 6.75 metres in width, 4.05 metres in length, and 3.95 metres, at the peak of the pitched roof. The extension shall be stepped away from the boundary with No.3 Holme Close by 0.25 metres. The extension will be finished using facing brick, Marley Edgemere smooth brown concrete tiles and white upvc windows and doors.

Following negotiations with the applicant an amended plan has been submitted reducing the length of the conservatory to 3.3 metres.

The finished floor level of the proposed extension is 0.25 metres below that of the main property. The applicant has done this to minimise the overall height of the roof. In addition to this the applicant has incorporated a hipped roof to minimise any potential loss of light to No.3 Holme Close.

No.3 Holme Close has a conservatory on the rear elevation, adjacent to the boundary with No.4 Holme Close, which projects outwards by 2.88 metres. A photograph illustrating the position of the conservatory has been reproduced in the Schedule.

## SCHEDULE A: Applications with Recommendation

02/1017

With regards to this application it is felt that the main issues to consider are the potential impact upon the amenities of neighbouring properties, in particular the conservatory positioned to the rear of No.3 Holme Close.

In consideration of this application Policy H14 of the Carlisle District Local Plan is of relevance.

No.3 Holme Close is positioned to the north of the application site. The proposed extension, which has an overall length of 3.3 metres, projects 0.42 metres beyond the rear of the neighbouring conservatory.

In the report presented to the December meeting of this Committee it stated that "if the proposed extension were to be reduced in length, so that it projected outwards to a similar length to that of the conservatory at the rear of No.3 Holme Close, the proposed extension would be acceptable".

Officers acknowledge that the previous measurement of the conservatory being 3 metres was incorrect. However the difference of 0.12 metres is considered to be marginal and would not provide sufficient reason to refuse the application of the grounds of loss of light. It is the Officers view that the proposed extension would not result in a significance loss of light to No.3 Holme Close. The application is recommended for approval.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

---

## SCHEDULE A: Applications with Recommendation

02/1017

**Recommendation:**

APPROVAL ✓

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

**Reason:** To ensure the works harmonise as closely as possible with the existing building.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted in the north western elevation of the extension without the prior consent of the local planning authority.

**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site.

---

P253 →





**Photograph 1:** Photograph of the rear of No.4 Holme Close, Scotby, which illustrates the position of the conservatory to the rear of No.3 Holme Close.





**Photograph 2:** Photograph of the side elevation of the conservatory to the rear of No.3 Holme Close, Scotby.



## SCHEDULE A: Applications with Recommendation

02/1029

---

**Item No: 15**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1029

**Applicant:**  
Bowker Bros

**Parish:**  
Scaleby

**Date of Receipt:**  
06/11/2002

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Stanwix Rural

**Location:**  
The Hunley, Scaleby, Carlisle, Cumbria

**Grid Reference:**  
345350 564800

**Proposal:** Erection of poultry unit managers house and garage

**Amendment:**

*Richard*

---

### Report

#### Planning Policies:

#### **Cumbria & Lake District Joint Structure Plan Policy 13**

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

#### **Carlisle District Plan Housing - Proposal H6**

Within the remainder of the Plan area, outside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

#### **Carlisle District Plan Transport - Proposal T7**

The level of car parking provision for development will be determined on the basis of the following factors:

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;

## **SCHEDULE A: Applications with Recommendation**

02/1029

2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

### **Carlisle District Plan Environment - Policy E9**

Landscaping schemes will be required for development permitted on the periphery of settlements in order to fully integrate the development with its settlement and the surrounding countryside.

### **Carlisle District Plan Environment - Policy E22**

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highways Authority):** No objection.

**Scaleby Parish Council:** The following observations are made:

1. The size of the structure is out of proportion to need in respect of the poultry unit;
2. The building specification appear to be beyond that needed for an agricultural dwelling;
3. Drainage provision should be independent of the poultry unit;
4. The Council is concerned to see appropriate agricultural conditions applying i.e. being tied for workers;
5. The Council is concerned that the conditions of H6 should apply; and
6. The Council is concerned that this application may be the start of further residential development in the area.

**Environment Agency (N Area (+ Waste Disp)):** No objection subject to the inclusion of a Supplementary Informative.

**Design Services - Drainage Engineer:** Since there are no public sewers in the area, and the proposal is to use an existing septic tank, I have no comments or

## **SCHEDULE A: Applications with Recommendation**

02/1029

additions relating to the above planning application.

**County Land Agent (Capita dbs):** I believe you require guidance only on the magnitude of the proposed permanent dwelling (I should however draw your attention to paragraph 15(c) of PPG7). In this regard guidance is given in paragraph 111 of PPG7 (Annex I).

I have sought an update on the current business from Mr John Bowker on behalf of the applicant, Bowker Brothers, and can advise Mr. Bowker provided the following information:

### Land Occupied

This remains at 5.26 hectares (13 acres).

### Livestock

At the present time there are 17,000 female birds and 2,000 male birds in the buildings at The Hunley. These are classed as Great Grandparents stock and have been in the buildings for 33 weeks. (They start laying after 24 weeks until they are 50 to 60 weeks of age, when all the birds are cleared and a new batch of day-old chicks are brought in after cleaning and disinfecting the buildings).

Bowker Brothers continue to operate at Gretna where they have 32,000 birds in buildings there.

### Labour

At The Hunley site, 6 full-time staff and 4 part-time staff are currently employed. In addition the unit is managed by Mr Matthew Bowker. The permanent dwelling is required for Mr Matthew Bowker.

As I reported on 30 April 2002, the management of this unit is demanding in skill and technical knowledge in that feeding, watering and ventilation equipment is of considerable complexity. If problems occur with such equipment and are not remedied quickly and correctly, valuable livestock is at risk. Therefore, the person resident on this site must have those skills and technical knowledge to deal with those issues.

### Summary of Representations:

This application has been advertised by means of a site notice. At the time of writing this report, no representations have been received.

### Details of Proposal/Officer Appraisal:

#### **Planning History:**

## **SCHEDULE A: Applications with Recommendation**

02/1029

Planning permission was granted for the erection of loose housing, farm workshop and dairy on 22 April 1996, under reference 96/0192.

On 3 May 2002, planning permission was granted for the temporary siting of a residential caravan for residential use by site manager at poultry unit, under application reference 02/0231.

### **Details of Proposal:**

The current application has been submitted as a full application and seeks consent for the erection of an agricultural workers dwelling at The Hunley, Scaleby, Carlisle. The site is accessed from the main A6071 Longtown to Brampton road and is approximately 1 mile (1.6 km) east of Smithfield.

The proposed dwelling would have a footprint measuring 16 metres by 10 metres. The height to the ridge would measure 9.2 metres. The single storey element consisting of a utility room, office, store and double garage would measure 9 metres by 14.6 metres. The building would be constructed from facing brick under a slate roof and would also include the use of stone quoins, cills, lintels and mullions. The windows would be of upvc construction.

The site is situated in the open countryside some distance from any settlement and thus falls to be considered under the provisions of Policy H6. It makes clear that proposals for new dwellings in these locations will only be acceptable where there is a proven agricultural or forestry need.

Planning Policy Guidance 7 (The Countryside - Environmental Quality and Economic and Social Development) also requires that applications for agricultural workers dwellings are assessed by means of a functional and financial test.

As is normal practice with proposals of this nature, the County Land Agent (now part of Capita db) has been asked for observations on this application. A detailed appraisal of the holding, its extent, nature, stock, fixed equipment, labour requirements and current accommodation, etc. has subsequently been undertaken. This report cannot be fully reproduced because it contains confidential financial information. The relevant comments are, however, reproduced in the Summary of Consultation Responses found earlier in this report.

The functional test applied by the County land Agent clearly demonstrates that it is essential for the proper functions of the enterprise for one or more workers to readily available at most times. Furthermore, the business is financially viable and the proposal will support recent investment and expansion of the business made by the applicant.

The issue of the principle of a dwelling on the site is not under debate. This has already been accepted following the earlier report prepared by the County Land Agent and the granting of planning permission under application reference 02/0231.

Policy guidance also requires that the siting of the building is well related to the farm

## **SCHEDULE A: Applications with Recommendation**

02/1029

steading and that the building is commensurate to the agricultural business. It is considered that in this regard, the proposal is acceptable.

Further advice can be taken from PPG7. Paragraph 11 of Annex I states that:

"Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings which are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income can sustain in the long-term, should not normally be permitted. It is the requirements of the enterprise rather than the owner or occupier which are relevant to determining the size of dwelling that is appropriate to a particular holding."

What is important to note is that from the financial information submitted, it is considered that the size of dwelling and cost of construction are likely to be supported by the income generated by the business.

The Parish Council have raised a number of concerns regarding the proposed dwelling. Primarily is the issue of the size of the building and that the specification is out of proportion with the nature of the agricultural use of the site. Members will have to form a subjective view on this matter. The advice of the County Land Agent refers to the technological operations within the poultry buildings and the need for a knowledgeable and specialist person to be resident on the site.

In conjunction with this, is the planning permits of the building, namely the scale, design and materials for this particular location within the site are of equal importance. Policy 13 of the Cumbria and Lake District Joint Structure Plan require that the siting, scale and design of dwellings are well related to the character of the area and do not harm distinctive features of local landscape significance.

The site itself is approximately 150 metres from the junction with the main road and the topography of the land at this point is at a slightly lower level than that of the access road. Nevertheless, the height to the ridge is 9.2 metres and the surround character of the countryside is relatively level. Whilst the building will be visible on the landscape it is not considered that the development would be obtrusive or result in a detrimental impact on the character of the countryside in this locality.

The Parish Council also raise several other issues. Both the Environment Agency and the Drainage Engineer have not requested that a separate treatment plant be incorporated as part of this development. Furthermore, the Environment Agency has requested that Supplementary Informatives be attached to cover this issue.

The Government's advice within PPG7 and Circular 11/95 recommends the use of a condition to restrict the occupancy of the dwelling. This is normal practice in applications of this nature.

It is unlikely that further residential would occur, or that the granting of planning permission for this proposal would create a precedent for further dwellings. The site is clearly within open countryside and both national, regional and local planning policies require that any development proposals have to be sufficiently justified i.e.

## SCHEDULE A: Applications with Recommendation

02/1029

for an agricultural or forestry worker.

In conclusion, the principle of a dwelling on this site has been established and this issue is not under debate. The siting, design and use of materials are also considered to be appropriate for the dwelling.

The footprint and overall scale of the dwelling is significantly larger than Members would expect for an agricultural worker. The advice within PPG7 states that the proposed dwelling should be commensurate to the agricultural unit. This is off-set by the advice from the County Land Agent who states that the business is of a significant size using considerable technology for this type of operation and that a competent and knowledgeable person must be resident on the site. This comment specifically refers to the Mr Matthew Bowker, who is a partner in the business.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

- Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
- Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;
- Article 8** recognises the "Right To Respect for Private and Family Life";
- Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

---

### Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The occupation of the dwelling shall be limited to persons solely or mainly

## SCHEDULE A: Applications with Recommendation

02/1029

employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, or dependents of such persons residing with him or her, or a widow or widower of such a person.

**Reason:** There is a strong presumption against development in rural areas and the unrestricted use of the dwelling would be contrary to the provisions of the Local Plan which seeks to prevent additional sporadic development in the countryside unless demonstrated to be essential in the interests of agriculture or forestry.

3. Samples of the materials to be used in the construction of the external walls shall be submitted to and approved in writing by the local planning authority before any work is commenced.

**Reason:** To ensure the works harmonise as closely as possible with the existing building.

4. No development shall take place until details of a landscaping scheme have been submitted to and approved by the local planning authority.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented.

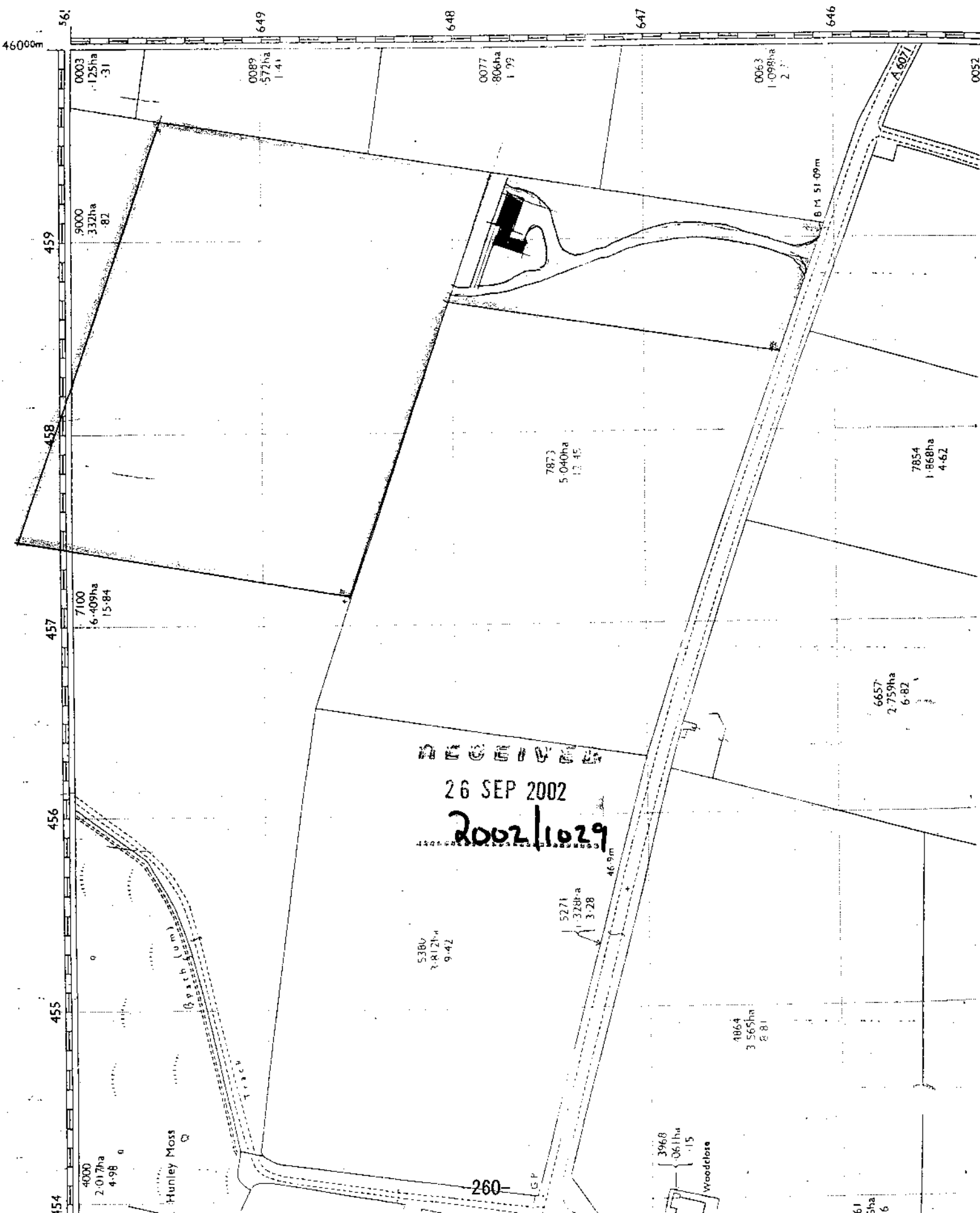
---

REF

P263 →

Supp Page 48 - re: a site  
in relation to poultry unit





0003  
125ha  
31

0089  
572ha  
141

0077  
806ha  
199

0063  
1098ha  
277

9000  
332ha  
82

7100  
6409ha  
1584

7873  
5040ha  
1345

7854  
1868ha  
462

6657  
2759ha  
682

26 SEP 2002  
2002/1029

5380  
3812ha  
942

5271  
1328ha  
328

1864  
3565ha  
881

3968  
1061ha  
115

4000  
2017ha  
498

260

61  
3ha  
6

Hunley Moss

Woodclose

A6071

6 M 51 09m

46.9m

LGP

4600m

561

649

648

647

646

459

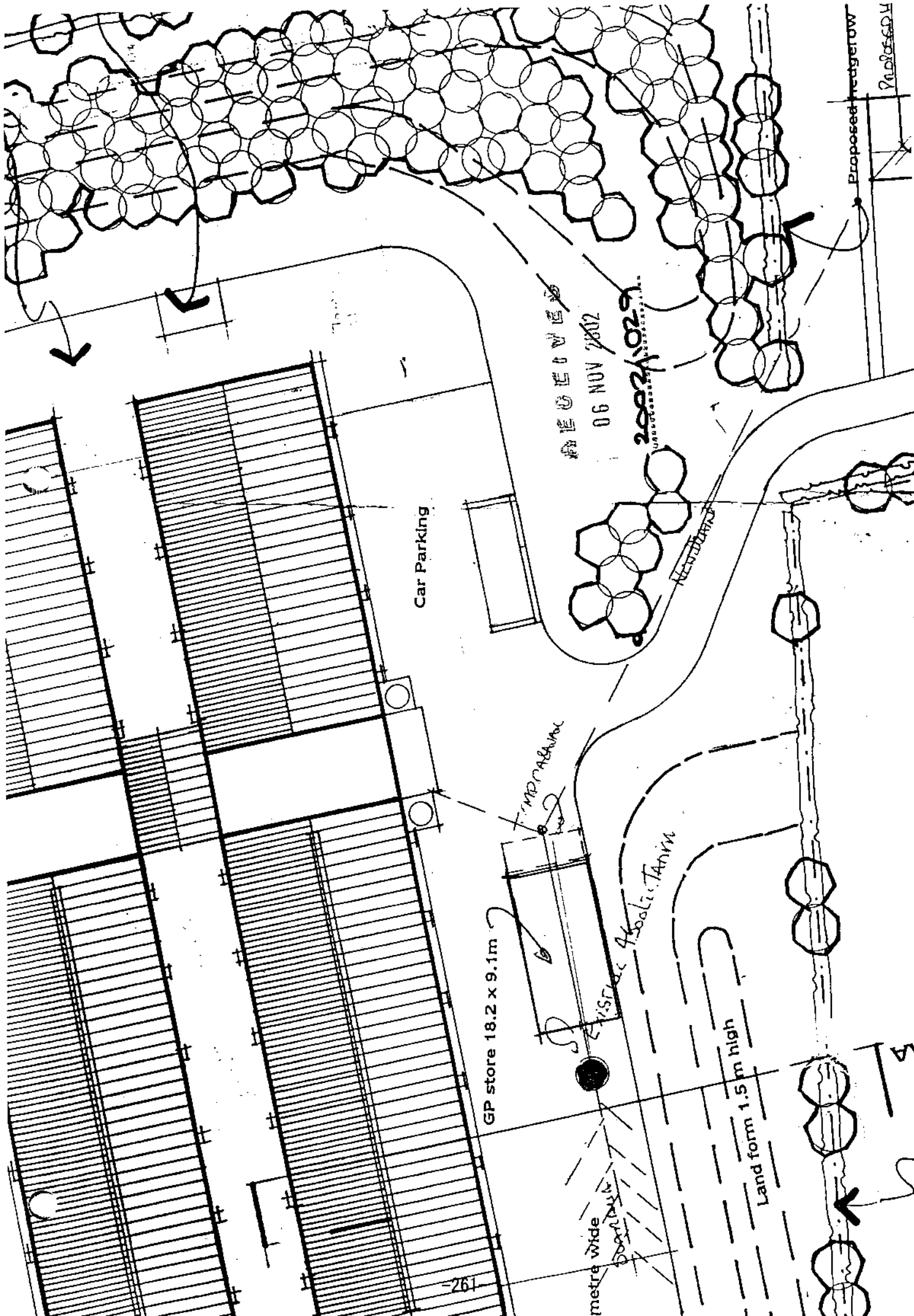
458

457

456

455

454



Car Parking

GP store 18.2 x 9.1m

1.5m wide

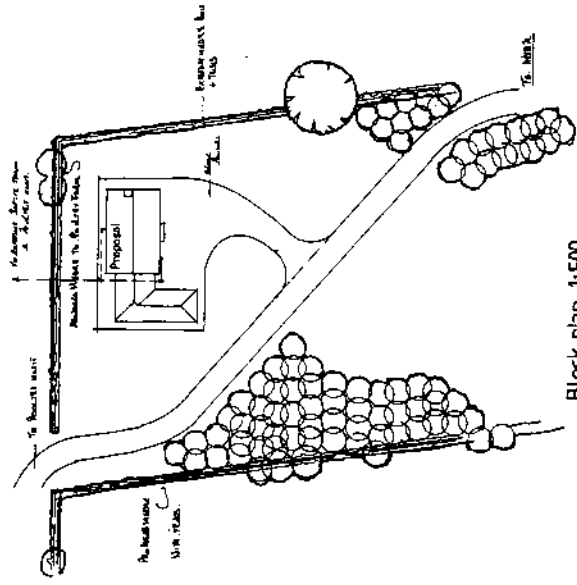
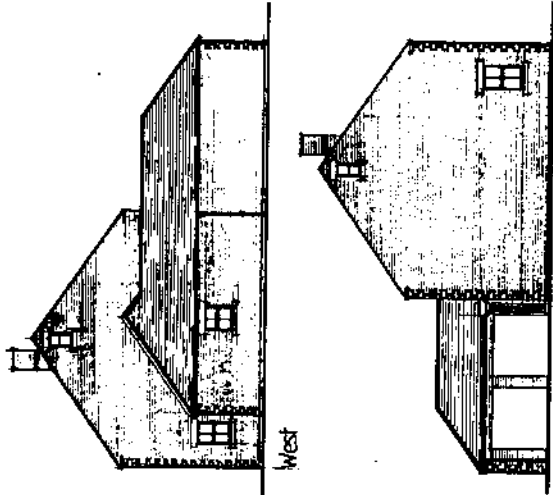
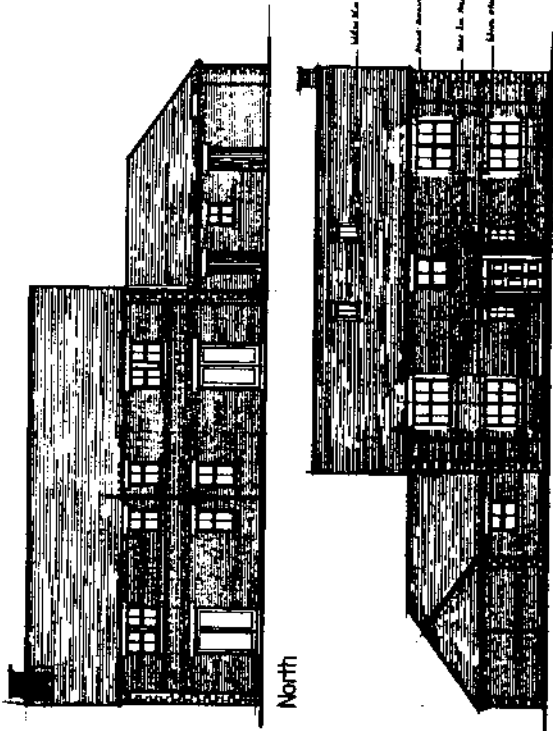
Land form 1.5 m high

06 NOV 2002  
2002/1029

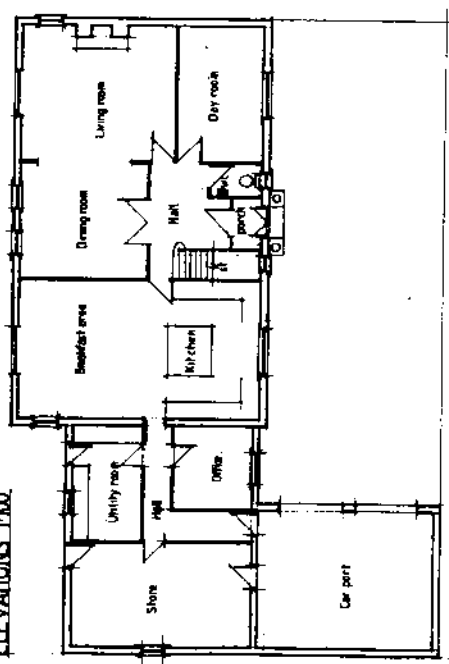
Proposed Hedgerow

Proposed

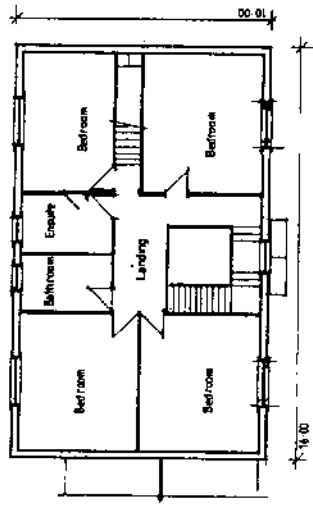
North



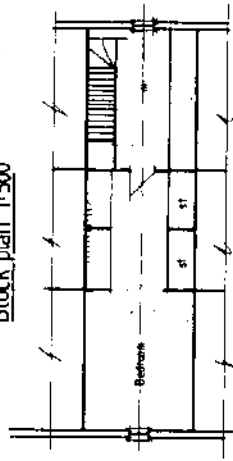
Block plan 1:500



Ground floor plan



First floor plan



Second floor plan

**TSADA BUILDING DESIGN SERVICES**  
 Trade Centre, Longport, Cardiff, Ceredigion, SA1 1AA  
 Telephone: 01222 794307  
 Fax: 01222 794312

Job No: 84/2002/1  
 Client: **Proposed Poultry Managers house. The Hunley**

Drawn by <b>W.R. Faulder</b>	Client <b>Bowker Bros The Hunley</b>	Job No. <b>84/2002/1</b>
Date <b>26/9/2002</b>	Scale <b>As shown</b>	Drawn by <b>W.R. Faulder</b>

## SCHEDULE A: Applications with Recommendation

02/1030

---

**Item No: 16**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1030

**Applicant:**  
Ele Motors

**Parish:**  
Cummersdale

**Date of Receipt:**  
11/10/2002

**Agent:**

**Ward:**  
Dalston

**Location:**  
Newby West Filling Station, Newby West, Carlisle,  
Cumbria

**Grid Reference:**  
337562 553928

**Proposal:** Preparation, maintenance and sales of approximately 12no. motor vehicles

**Amendment:**

*SPM*

---

### Report

#### Planning Policies:

#### **Trunk Road/Motorway affected**

The proposal relates to development which affect a trunk road or motorway.

#### **Carlisle District Plan Employment - Proposal EM10**

Within the remainder of the Plan area permission will not be granted for industrial, warehousing and commercial development. However, small scale development within existing settlements, the curtilage of existing employment premises, or groups of farm buildings, or moderate extensions to existing premises will be acceptable provided:

1. There is no unacceptable adverse impact on the local landscape; and
2. There is no unacceptable adverse effect on nature conservation interests; and
3. Adequate access and appropriate parking provision can be achieved; and
4. There is no unacceptable adverse affect on the amenity of any adjacent properties.

#### **Carlisle District Plan Housing - Proposal H2**

## **SCHEDULE A: Applications with Recommendation**

02/1030

Within the Primary Residential Areas defined on the inset maps for Carlisle, Brampton, Longtown and Dalston, proposals for new residential development will be acceptable provided that:

1. Existing areas of open space and other amenity areas are safeguarded; and
2. The proposed development does not adversely affect the amenity of adjacent residential property; and
3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and
4. Satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity.

Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

### **Carlisle District Plan Housing - Proposal H17**

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** no objection;

**Cummersdale Parish Council:** would like to stipulate that vehicles for sale cannot be displayed on the front forecourt as this would obscure the view of traffic on the road, both for people using the garage and those living in the adjacent houses. We would like this matter brought to the attention of the Highway Agency;

**Department of Transport (Highways Agency):** no objection;

## **SCHEDULE A: Applications with Recommendation**

02/1030

**Environment Agency (N Area (+ Waste Disp)):** no objection, subject to the attachment of one supplementary informative to any notice of consent.

### **Summary of Representations:**

This application has been advertised by means of a site notice and notification letters sent to fourteen neighbouring properties. No letters of objection have been received.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

There are a number of planning applications relating to this site and the adjoining land. The applications, which are of most relevance, are highlighted below.

Temporary consent had previously been granted, under application 82/0635, for sale of three motor vehicles on the land to the front of the property known as Invergarry. This permission was later renewed and extended to four vehicles under applications 84/0958 and 86/0244.

A public enquiry was held in 1986 following the serving of an Enforcement Notice on the previous operators of the application site. The Enforcement Notice related to the servicing of vehicles, preparation of vehicles for sale, sale of vehicles and overnight parking of a commercial vehicle. The Enforcement Notice was upheld and it was concluded that the only authorised uses of the yard were therefore the parking of motor vehicles awaiting service or repair, or awaiting collection following service or repair and ancillary customer or staff parking.

In 1993 planning permission was granted, under application reference 93/0670, for the use of the yard for the storage of vehicles for restoration. The restoration works being carried out from within the workshop.

#### **Details of Proposal:**

This application seeks planning permission for the preparation, maintenance and sale of 12no. motor vehicles at Newby West Filling Station, Newby West, Carlisle. Newby West Filling Station forms an isolated pocket of ribbon development, which fronts both sides of the A595, south west of the built up area of Carlisle. The application site covers the workshop and yard directly to the rear of the filling station. To the north of the application site is a row of semi-detached properties and immediately to the west of the application site is the petrol station itself. To the east and south of the site is open countryside. A plan indicating the location of the property and its relationship with the surrounding properties is reproduced following this report.

The proposal, as submitted, seeks approval for the preparation, maintenance and

## **SCHEDULE A: Applications with Recommendation**

02/1030

sale of 12no. motor vehicles. Eight motor vehicles would be available for sale from within the workshop and a further four motor vehicles would be sold from the adjoining yard. The remainder of the yard would be retained for both staff and customer parking. As part of this application it is the applicants intention to reinstate two large roller shutter doors in the front elevation of the workshop itself. The building, which form part of the application site has existing use rights to be used a car workshop.

In consideration of this application Policies EM10, H2 and H17 of the Carlisle District Local Plan are of relevance.

With regards to this application it is felt that the main issues to consider are the potential impact upon the amenities of neighbouring residential properties.

Members should note that no objections have been received with regards to this application. However it has been necessary to bring this application before the Development Control Committee due to the complex planning history that relates to the site. It should be noted that the problems raised in the past related to the use of the yard.

When considering this application Members should be aware that the petrol station, which occupies the adjacent premises, trades between 0700 hours and 2200 hours Monday to Saturday, and between 0800 hours and 2000 hours on Sundays.

When the City Council issued the Enforcement Notice in 1986 it was the Councils view that the unauthorised uses resulted in an over-intensification of the use of the rear yard. The use hereby proposed is on a much smaller scale.

Under this current application the rear yard would be used for customer and staff car parking as well as the sale of four motor vehicles. No more than eight vehicles would be kept for sale from within the workshops themselves. A number of conditions have been attached to ensure that the proposed use will not have any adverse impact upon the amenity of nearby residential properties. Members should be aware that a condition has been imposed restricting the use of the premises for a temporary period of one year in order for the City Council to reassess the situation at the end of that period. It is the Officers view that the proposed use would not adversely affect the amenities of neighbouring properties by means of noise or excessive traffic generation.

The proposed use of the application site is considered acceptable. It is the Officers view that the amenities of the adjacent residential properties would not be adversely affected by the proposed use. The proposal is in accordance with the relevant policies of the Carlisle District Local Plan and is therefore recommended for approval.

---

**Human Rights Act 1998:**

## SCHEDULE A: Applications with Recommendation

02/1030

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

P272 →

---

### Recommendation: Grant Permission

1. This operation of the premises for the use hereby permitted shall enure solely for the benefit of ELE Motors and shall expire on the 28th day of February 2004 unless a further planning permission is granted by the Local Planning Authority, and within 3 months of the use ceasing the site shall be restored so far as reasonably possible to its condition prior to the use commencing.

**Reason:** The local planning authority wish to review the matter at the end of the limited period specified.

2. The premises shall not be open for trading except between 0900 hours and 1700 hours Monday to Sunday.

**Reason:** To prevent disturbance: nearby occupants.

3. The premises shall be used for the preparation, maintenance and sale of 12no. motor vehicles and for no other purpose. No MOT's or electrical, mechanical, repair or servicing works shall be carried out to motor vehicles at these premises.

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality.

4. The use of the yard shall be restricted to customer/staff car parking and the sale of no more than 4no. motor vehicles as indicated on Drawing number 099/190/2 Rev, as amended by the applicant on the 7th November 2002.



## SCHEDULE A: Applications with Recommendation

02/1030

**Reason:** For the avoidance of doubt.

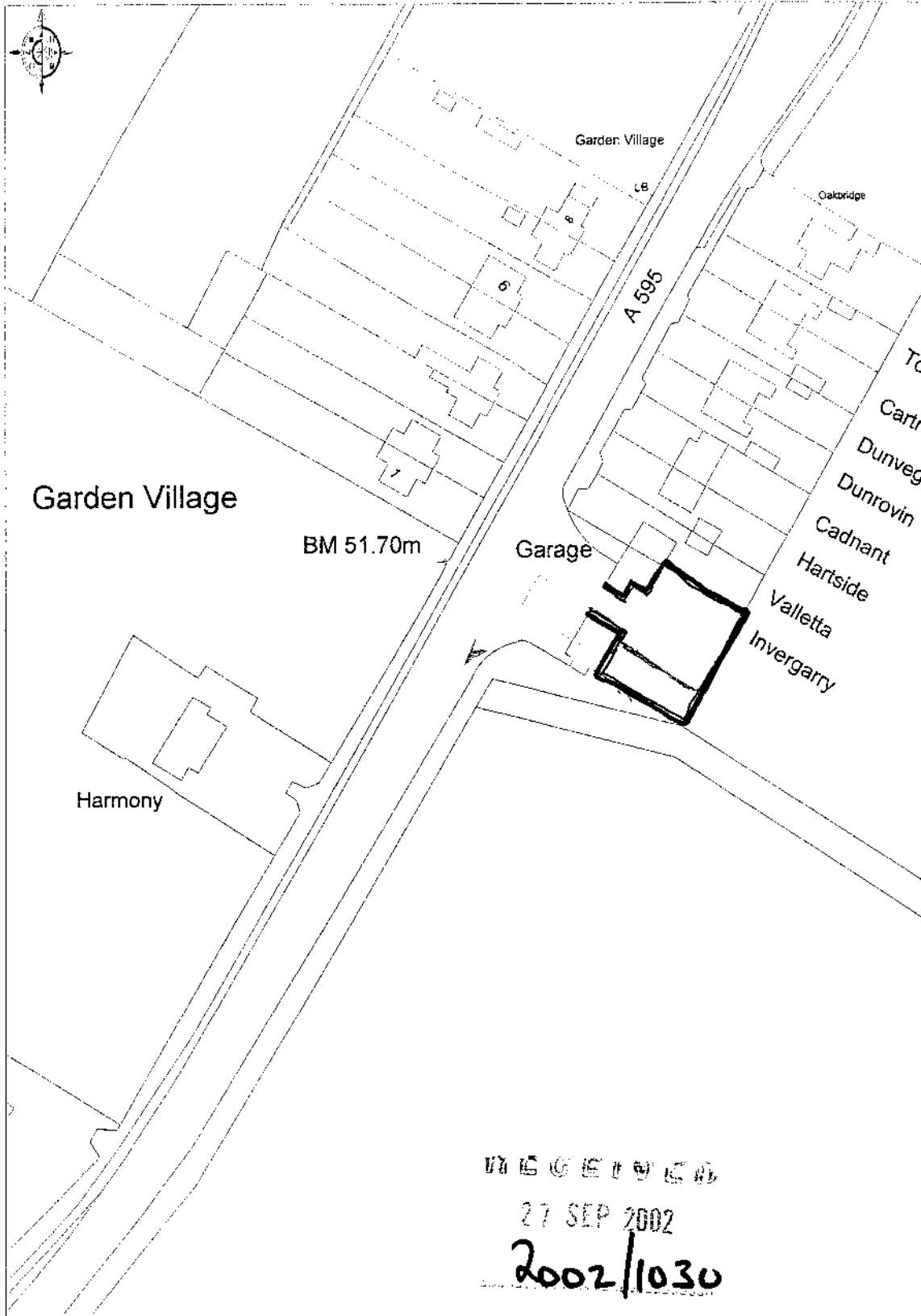
5. No ~~power~~ power tools or machinery shall be used within the yard other than portable hand tools.

**Reason:** In order to minimise any possible impact upon the amenities of neighbouring residential properties.

6. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

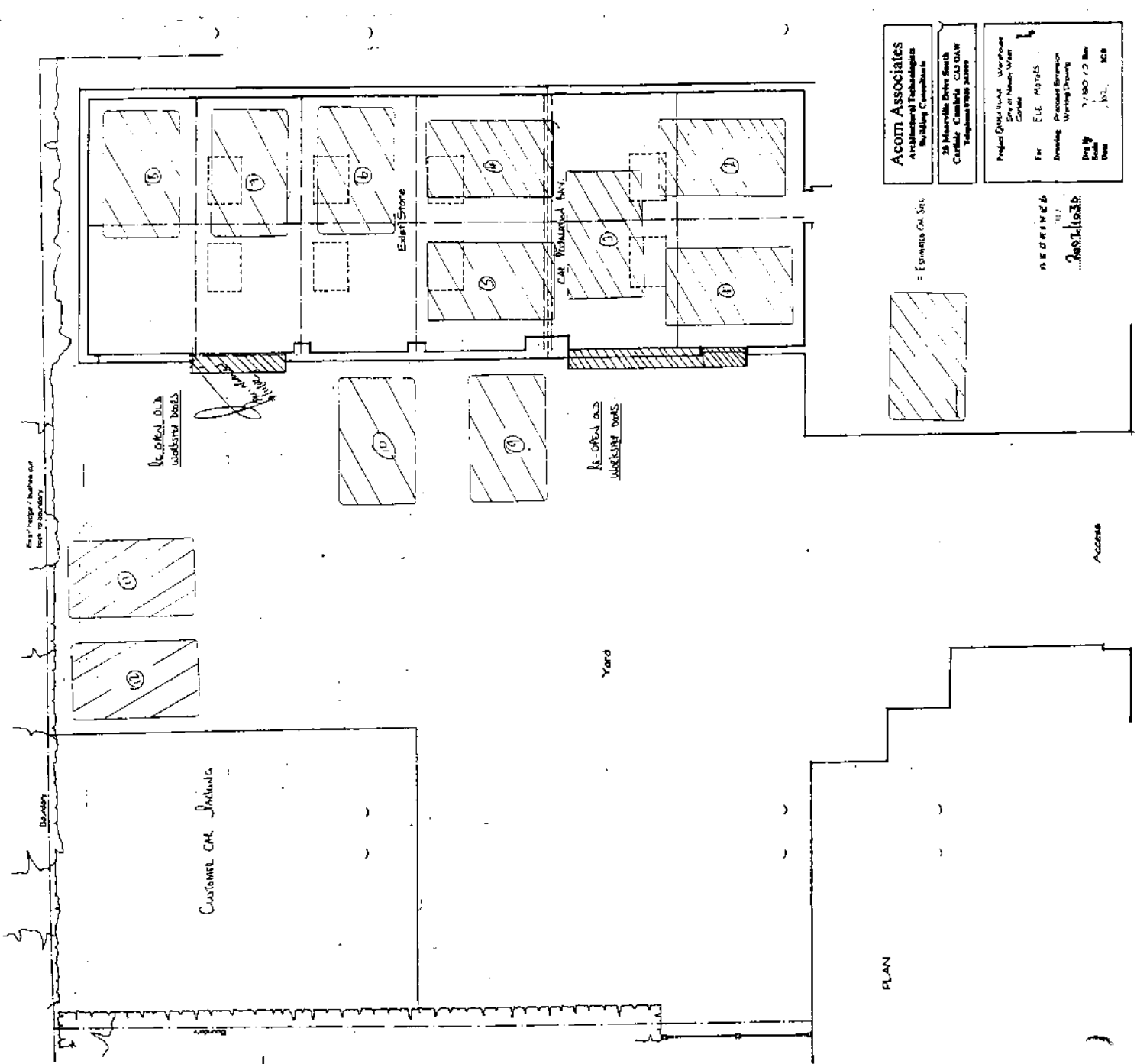
**Reason:** To ensure the works harmonise as closely as possible with the existing building.

---



Ordnance Survey

© Crown copyright 2002. All rights reserved. Licence Number 100020449 Survey Scale - mixed Plotted Scale - 1:1250

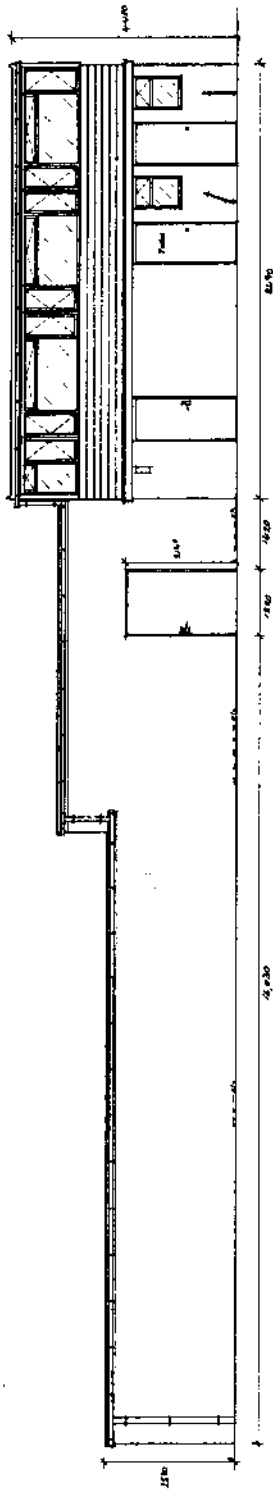


PLAN

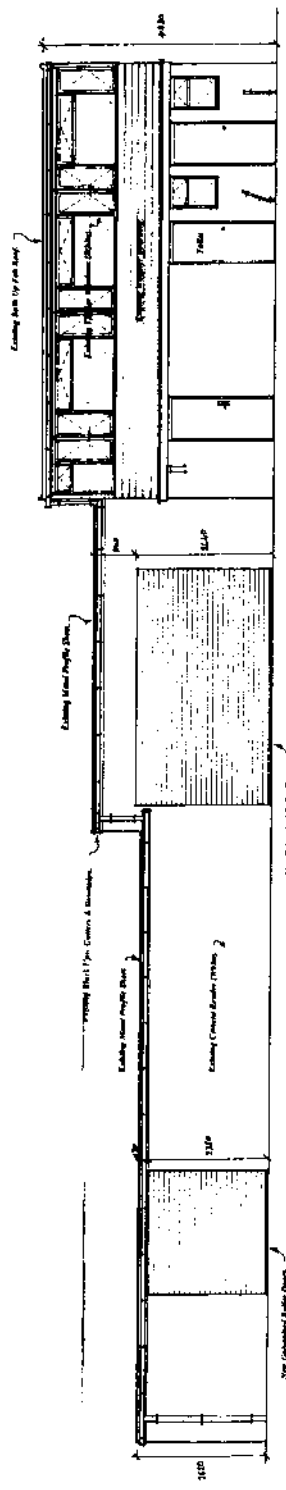
<b>ACOM ASSOCIATES</b> Architectural Technologists Building Consultants	
28 Intervale Drive, Suite 203 Cambridge, MA 02142 Telephone: 617-552-1234	
Project: Distribution Warehouse	Site: Intervale Drive
Prepared By: E.L.E. M.D.	Checked By: J.C.B.
Drawing: Proposed Elevation	Working Drawing
Proj. No: 7/180/12 Rev	Date: 11/1/12

Element CA Site

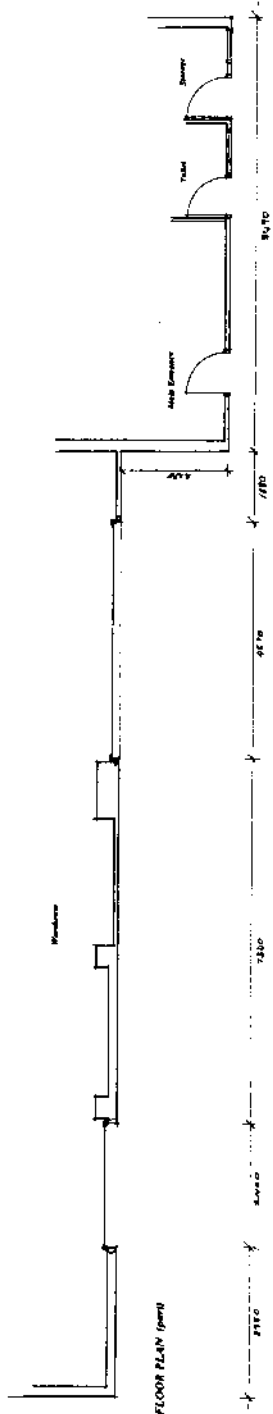
Access



SIDE ELEVATION as Existing



SIDE ELEVATION as Proposed



FLOOR PLAN (per)

Existing structure shall remain to be completely renovated and new structure shall be constructed on the site. All openings in wall shall be replaced with new doors. All dimensions to be made good for match.

15802111-24  
 2000/10/30

<b>Estimate Services</b> 2400 1st Ave Suite 100 San Diego, CA 92101 Tel: 619 594 1111 Fax: 619 594 1111	
<b>Title:</b> 2000/10/30 Civil 2000 Civil 2000 Civil 2000	<b>Project:</b> Proposed New Elder Home for Existing College Property
<b>Site:</b> New Elder Home College Civil 2000	<b>Drawing:</b> Side Elevation as Existing and Proposed
<b>Date:</b> 10/30/00	<b>Scale:</b> 1/8" = 1'-0"
<b>Drawn by:</b> J. J. Jones	<b>Checked by:</b> J. J. Jones

## SCHEDULE A: Applications with Recommendation

02/1044

---

Item No: 17

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1044

**Applicant:**  
Mr & Mrs Gray

**Parish:**  
Bewcastle

**Date of Receipt:**  
01/10/2002

**Agent:**  
A Roscoe

**Ward:**  
Lyne

**Location:**  
Saughs Farm, Bailey

**Grid Reference:**  
351130 579620

**Proposal:** Two storey extension to provide enlarged lounge and study with en-suite bedroom above incorporating first floor balcony

**Amendment:**

4. Revised floor and elevational plans received showing the setting back of the extension from the "front" wall of the existing house by 0.5 metres and alteration to design of balcony .

*Angu*

---

### Report

#### Planning Policies:

##### Public Footpath

The proposal relates to development which affects a public footpath.

##### Cumbria & Lake District Joint Structure Plan Policy 13

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

##### Carlisle District Plan Environment - Policy E8

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing that:

## **SCHEDULE A: Applications with Recommendation**

02/1044

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any existing wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

### **Carlisle District Plan Housing - Proposal H6**

Within the remainder of the Plan area, outside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

### **Carlisle District Plan Housing - Proposal H7**

Within the Remote Rural Area (as defined on the Proposals Map), large scale development will not be permitted. Proposals for small scale development within existing hamlets or groups of houses will be acceptable in principle provided that:

1. The proposal is well related to existing local landscape features and is sited in such a way as to make maximum use of such features for screening and does not adversely affect the landscape; and
2. The proposal complements the character and size of the hamlet or group of dwellings; and
3. Appropriate access and parking can be obtained.

In addition proposals will be acceptable for additional accommodation on farm complexes which contain an existing occupied dwelling. However, in these cases clear evidence of the need for such development must be given. Such consents will be limited to one additional dwelling per farm.

### **Carlisle District Plan Housing - Proposal H14**

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and

## **SCHEDULE A: Applications with Recommendation**

02/1044

setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

### **Carlisle District Plan Transport - Proposal T15**

Within the Plan area existing provision for cyclists and pedestrians will be protected. The improvement of provision for cyclists in the form of both highway improvements and secure parking facilities will be encouraged. All new development will be designed to provide safe and convenient access for cyclists and pedestrians. This should include the provision of secure cycle parking facilities where appropriate.

#### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** No objections.

**Bewcastle Parish Council:** No wish to make any representations.

**English Nature:** The application involves the type of building that may be used by bats. It is therefore advised that the relevant information note is attached to any planning permission.

#### **Summary of Representations:**

This application has been advertised in the form of a site notice. No observations have been received at the time of preparing the report.

#### **Details of Proposal/Officer Appraisal:**

##### **Planning History:**

In 1999, under application reference number 99/0691, planning permission was given for the conversion of redundant farm buildings to form five units of self catering holiday accommodation.

In 2000, under application numbers 00/0326 and 00/0886, planning permission was given for the erection of a cattle shed, stable block and tack room.

In 2001, application numbers 01/0006 and 01/0156, planning permission and advertisement consent were granted for the erection of an agricultural storage building, and, a non-illuminated sign.

In August 2001, application number 01/0353, planning permission was refused for the conversion of a barn and erection of a link building to the existing house. The stated reason being:

## SCHEDULE A: Applications with Recommendation

02/1044

"The site of the proposed development is located within an isolated farmstead associated with the open countryside. The proposal because of its scale and design, which is tantamount to the erection of a new dwelling, would result in an unsympathetic consolidation of residential development in the open countryside to the detriment of the rural character of the area. It would thus seriously detract from the objectives of Policies H5, H6, H7, H12 and H14 of the Carlisle District Local Plan."

In August of last year, application 02/0323, planning permission was given for the construction of an all weather equestrian riding area with associated 1.2m high post and rail fencing.

### Details of Proposal:

Saughs Farm is located within the designated Remote Rural Area to the south of Kershope Forest. It is an isolated farmstead consisting of a four bedroomed farmhouse, a series of one and two storey stone walled outbuildings, and a metal corrugated sheeted barn. The applicants' have to date formed some, but not all, of the holiday units from the stone walled outbuildings as approved under application number 99/0691.

To the north-east of the farmhouse and holiday units the new agricultural building, stable block and tack room have been erected. A public footpath runs through the site.

The applicants agent has indicated that the current proposal has arisen because of a need for an office at home from which Mrs Gray could organise the letting of the holiday cottages on site and Mr Gray can run his construction business; the existing lounge would become a play room and the proposed lounge for the family as a whole to relax within; and, the recently established horse riding facility may require a stable hand who could be accommodated in the house as well as any guests wishing to stay.

The application, as originally submitted, involved erecting a two storey extension measuring, on the ground floor, 6.3m by 13.5m and constructed externally in matching stonework/render on the walls and tiled roofing. The accommodation consisting of a lounge and study with a new bedroom above.

The following reservations were, however, expressed in relation to the proposal as submitted:

- a) the proposed elevational treatment is considered alien to the existing building and, in itself, to have insufficient character as a contrasting extension;
- b) the proposed extension is extremely large and, in floor area, is equivalent to two 4 person houses based on Parker Morris standards;



## SCHEDULE A: Applications with Recommendation

02/1044

- c) there appears to be the duplication of existing facilities, for example the lounge; and
- d) altering the roof pitch over the flat roofed dormer window may be an unnecessary expense.

Members will recall that at their last Meeting consideration of the proposal was deferred in order to allow further negotiations to take place over the design of the proposed extension.

In total, three options containing a variety of ideas have been prepared by the then City Architect as a basis for further discussion and negotiation. In response to which the applicants agent has indicated that his clients wish to retain the basic design as submitted based on the revised plans showing the setting back of the "front" wall by 0.5m and alterations to a proposed balcony - see attached copies of plans.

In considering this application it is felt that the following issues need to be kept in mind:

- i) Ministerial advice contained within PPG7 ("The Countryside - Environmental Quality and Economic and Social Development") emphasises in paragraph 2.14 that the "countryside should be safeguarded for its own sake ... The priority now is to find new ways of enriching the quality of the whole countryside whilst accommodating appropriate development, in order to complement the protection which designation offer".
- ii) Supplementary planning guidance contained in "Countryside Design Summary for Carlisle District" highlights that:

"Today, there is a huge range of building materials and styles readily available for use. This is resulting in the gradual erosion of local identity, as standardised building styles are repeated across the whole country.

Direct reproduction of older building styles is not necessary. However, an evolutionary approach to design with its roots in the character of the area will yield positive benefits. Appropriate scale and massing can often be established by reference to existing buildings, as can the proportions and positioning of window and door openings" (page 8).
- iii) The proposal relates to the two storey farmhouse with a "cat slide" slated roof. In the past the house has subsequently been altered by a box profile flat roofed dormer, nearly along its whole length, which is alien to the building's appearance. The available records do not show that the dormer was subject to an application for planning permission.
- iv) The current proposal represents a significant extension, equivalent at least to an additional dwelling, which will increase the visual impact of the house. The treatment of the roof is also based on the same principle as

## SCHEDULE A: Applications with Recommendation

02/1044

the existing dormer albeit with a monopitched tiled roof over the length of the existing and proposed dormer. The applicants agent, in order to reduce the impact and contrast, has verbally intimated agreement to use slates to match the existing house. The Principal Building Surveyor has, nevertheless, pointed out that a slated roof is not acceptable below 20 degrees whilst the submitted plans show a pitch of 15 degrees. In effect it is considered that the proposal, if approved, would exacerbate an already discordant feature.

- v) It is also considered that the proposed elevational treatment in terms of the fenestration is incongruous.
- vi) The property is in a remote location, however, it can be seen from the highway and the existing public footpath network which goes through the courtyard.
- vii) The proposal relates to an existing four bed house which does not appear to be cramped or miss any features fundamental to present day living standards.

In conclusion it is considered that the current proposal contains serious failings in terms of its scale, roof treatment and design which taken together harm the individual character of the house and thereby diminishes an attractive rural landscape.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above. The applicants' rights are respected but based on the foregoing it is considered that the personal arguments

## SCHEDULE A: Applications with Recommendation

02/1044

do not out-weigh the harm created to interests of acknowledged importance.

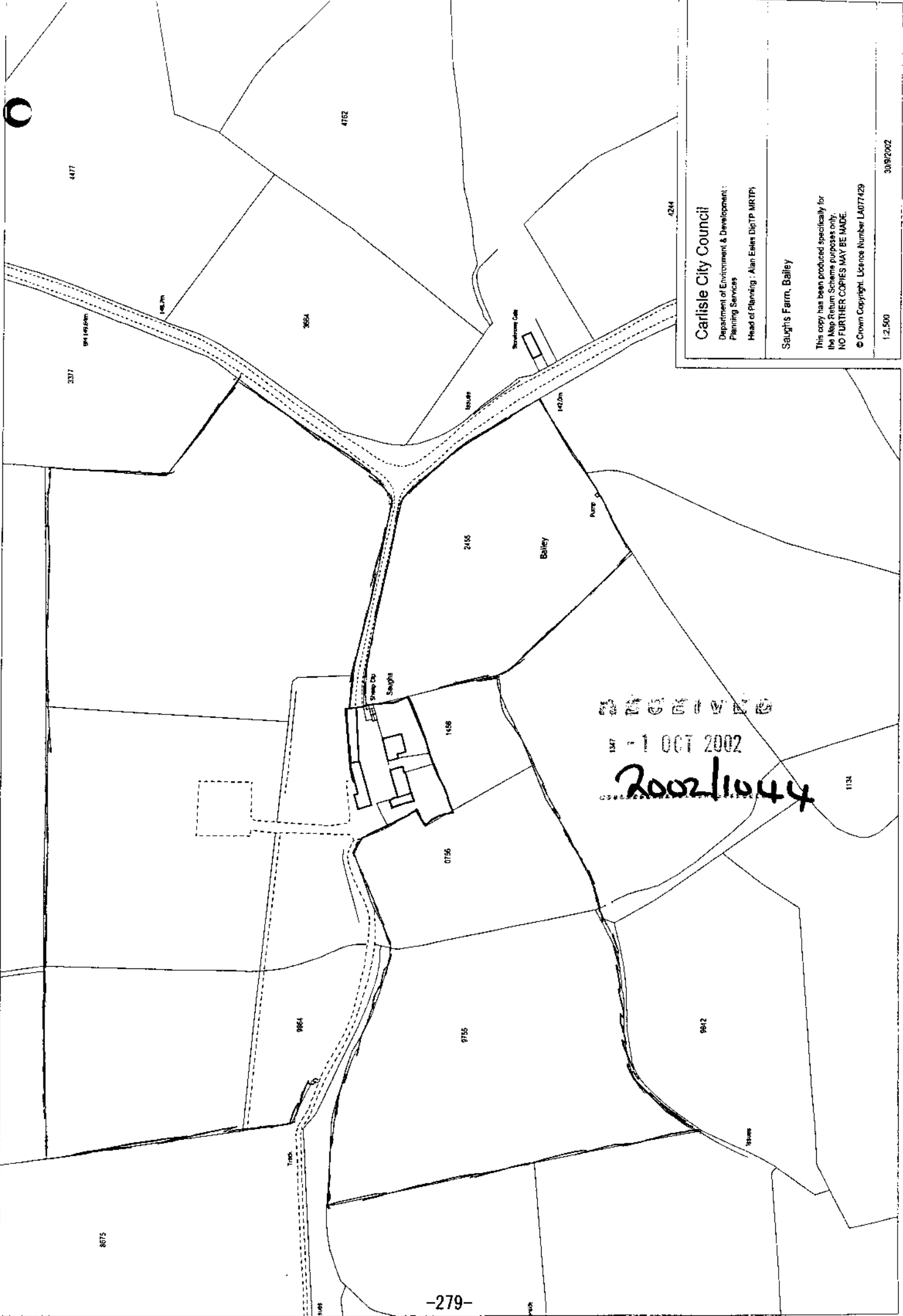
---

**Recommendation:** Refuse Permission

Si

1. **Reason:** The proposal by reason of its scale, roof treatment and design would not only increase the visual impact of the farmhouse but also incorporates features which are considered incongruous and spoil its character. It is therefore considered that the proposal harms the character of the house and will thereby diminish the rural landscape contrary to the objectives of Policy 13 of the Cumbria and Lake District Joint Structure Plan and Policies E8 and H14 of the Carlisle District Local Plan.
- 

P 284 →



**Carlisle City Council**  
 Department of Environment & Development:  
 Planning Services  
 Head of Planning: Alan Eales DipTP MRTPI

Saugh's Farm, Bailey

This copy has been produced specifically for  
 the Map Return Scheme purposes only.  
**NO FURTHER COPIES MAY BE MADE.**

© Crown Copyright. Licence Number LA077429

1:2,500

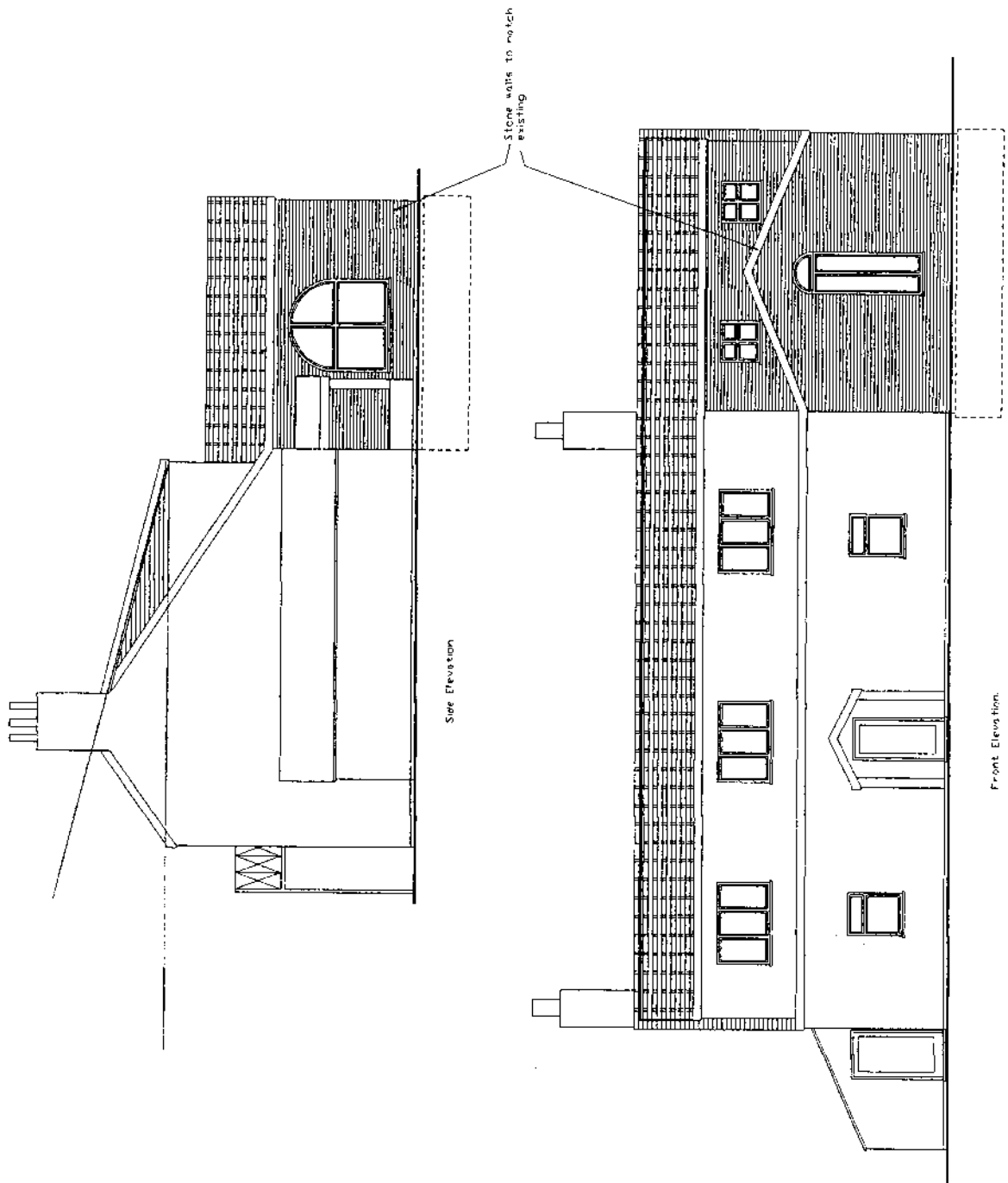
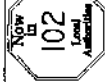
30/9/2002

RECEIVED

1347 - 1 OCT 2002

2002/1044

1134



Side Elevation

Front Elevation

- KEY
- 1:20 PARTITION
  - BRICKWORK
  - BLKWORK
  - TILE ROOF
- Proposed Extension

to  
 Saughb Farm  
 Balley  
 Newcastleton  
 TD9 0TT

for  
 Mr & Mrs K Gray  
 Tel No 018977 48246  
 scale = 1 - 100

Dwg No  
 TD9 0TT/saughb5

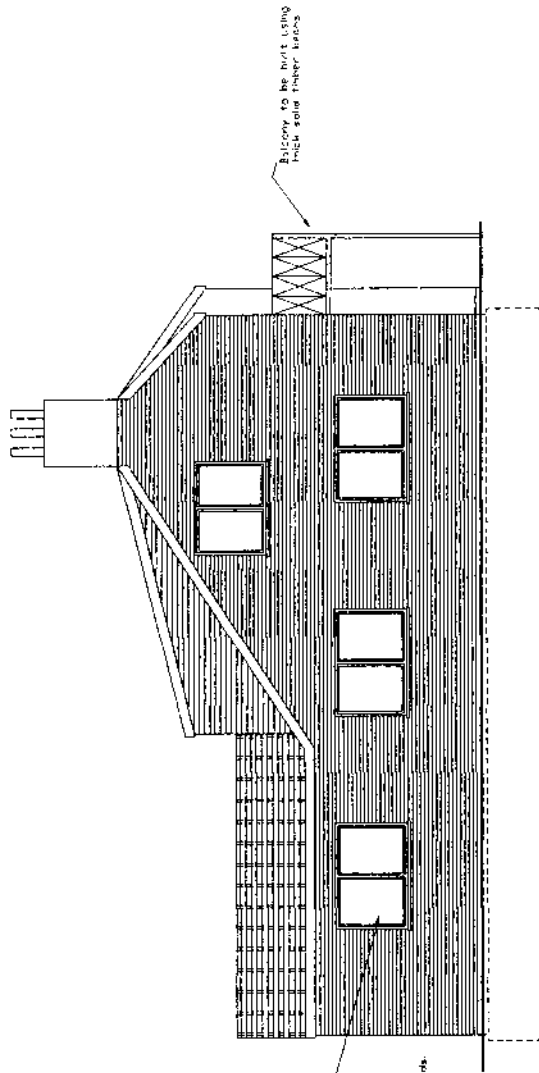
# CUMBRIA PLANNING SERVICES

THIS DOCUMENT IS DESIGNED FOR NEGOTIATIONS WITH THE RELEVANT LOCAL AUTHORITY FOR APPROVALS UNDER THE BUILDING ACT & TOWN AND COUNTRY PLANNING ACTS ONLY. ALL DIMENSIONS & ANY INFORMATION CONTAINED HEREIN MUST BE CHECKED FOR ACCURACY ON SITE BEFORE THE START OF ANY BUILDING WORKS AND ANY NECESSARY ALTERATIONS MADE. ALL INFORMATION CONTAINED HEREIN IS SUBJECT TO APPROVAL UNDER THE BUILDING ACT, TOWN AND COUNTRY PLANNING ACTS.

ALTHOUGH THIS DOCUMENT IS PRINTED TO SCALE, OPERATIONS DO OCCUR IN THE PRINTING AND DRAFTING AND FOR THIS REASON ALL DIMENSIONS & INFORMATION MUST BE CHECKED ON SITE AND ANY ALTERATIONS MADE ACCORDINGLY.

# CUMBRIA PLANNING SERVICES

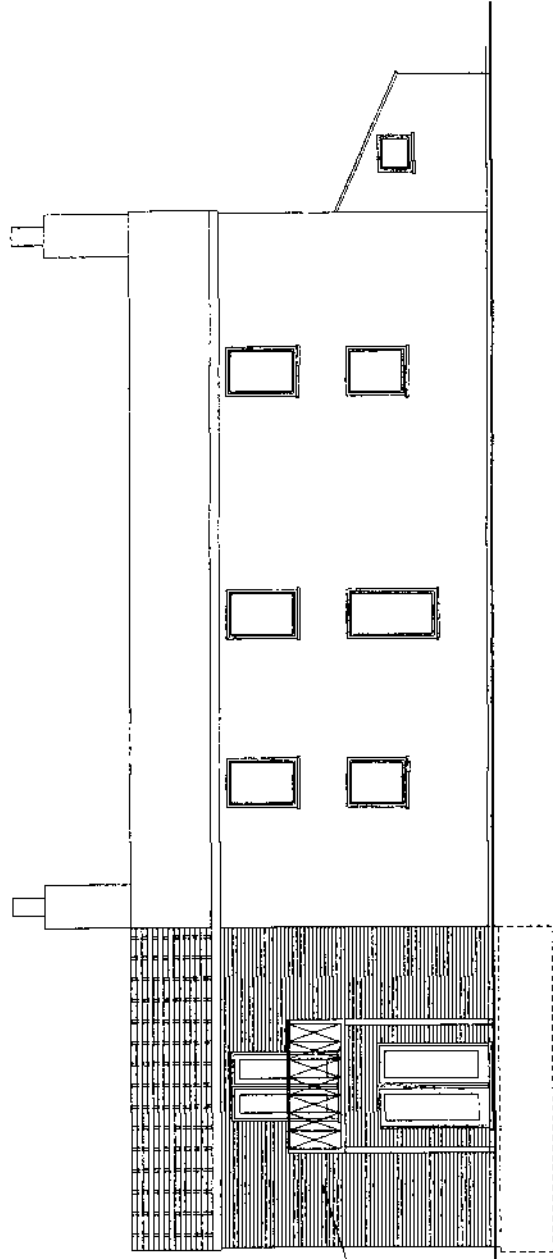
29 ANTONINE WAY,  
 HOUGHTON,  
 CARLISLE,  
 CA3 0LG  
 Tel: 01228 535361



Balcony to be built using brick and stone blocks

The windows shown are only intended as an indication as to the location of the windows. The actual style will be the same as shown in the elevation drawings and will also accurately show the stone boundaries.

Side Elevation



Rear Elevation

Dimensions and/or to be 150mm

KEY  
 Blue Pattern  
 Brickwork  
 Blockwork  
 1.5m floor  
 Proposed Extension  
 to Saughus Farm  
 Balley Newcastleton  
 TD9 0TT

for  
 Mr & Mrs K Gray  
 Tel No 016977 48346  
 scale = 1:100

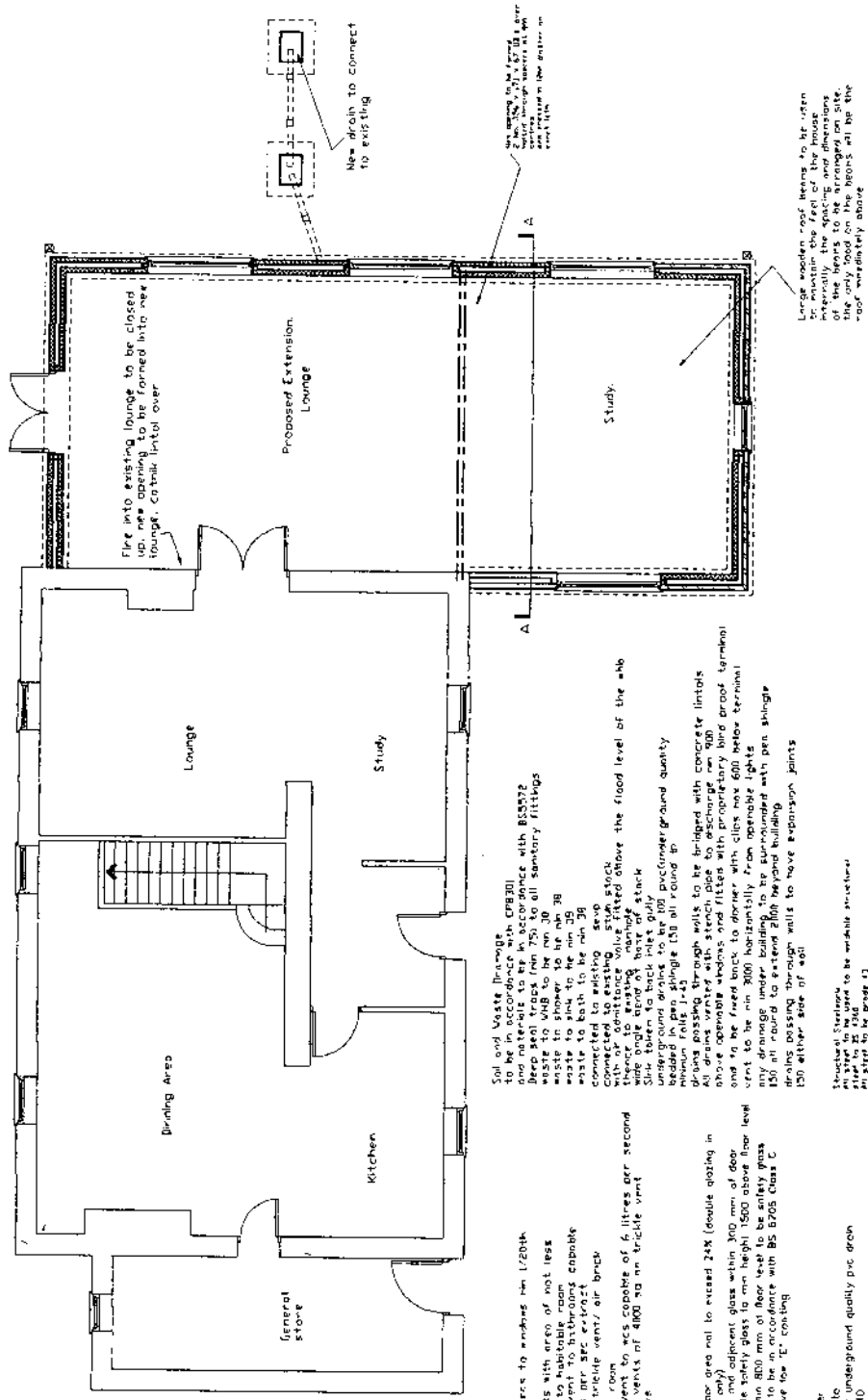
Dwg No  
 TD9 0TT/saughus5

CUMBRIA  
 PLANNING  
 SERVICES

THIS DOCUMENT IS DESIGNED FOR NEGOTIATIONS WITH THE RELEVANT LOCAL AUTHORITY FOR APPROVALS UNDER THE BUILDING ACT & TOWN AND COUNTRY PLANNING ACTS ONLY. ALL DIMENSIONS & ANY INFORMATION CONTAINED HEREIN MUST BE CHECKED FOR ACCURACY ON SITE BEFORE THE START OF ANY BUILDING WORKS AND ANY NECESSARY ALTERATIONS MADE. ALL INFORMATION CONTAINED HEREIN IS SUBJECT TO APPROVAL UNDER THE BUILDING ACT & TOWN AND COUNTRY PLANNING ACTS. ALTHOUGH THIS DOCUMENT IS PRINTED TO SCALE, DEFORMATIONS DO OCCUR IN THE PRINTING AND DRAFTING, AND FOR THIS REASON ALL DIMENSIONS & INFORMATION MUST BE CHECKED ON SITE AND ANY ALTERATIONS MADE ACCORDINGLY.

CUMBRIA  
 PLANNING  
 SERVICES

29 ANTONINE WAY,  
 HOUGHTON,  
 CARLISLE,  
 CA3 0UG  
 Tel: 01228 535361



**VENTILATION**  
 operable areas to windows in 1/20th of floor areas with area of not less than 0.008 sq m to habitable room mechanical vent to atmosphere capable of 15 litres per sec extract  
 4000 sq m trickle vent/air brick into utility room  
 all windows capable of 6 litres per second background vent of 4800 sq m trickle vent or air brick  
 Glazing  
 windows to floor level to exceed 24k (double glazing in above rooms only) adjacent glass within 300 mm of door to incorporate safety glass to min height 1500 above door level any glass within 800 mm of floor level to be safety glass safety glass to be in accordance with BS 5205 Class C glass to have low 'E' coating

**Surface Water**  
 75 mm min to 100 diameter underground quality pvc drain min falls 1-40 headed in pvc gully min 15 from boundary 4.5 m from building soakway proximity to be min 1.0 m below invert level of drain drain to be in accordance with BS 5205 Class C at the discretion of the Local Authority

**EXISTING LIMITS, BEAMS, FOUNDATIONS etc**  
 including new load to be assessed, re-assessed and reinforced if necessary at the discretion of the local authority

**Soil and Waste Drainage**  
 to be in accordance with CP120 and materials to be in accordance with BS5572  
 Deep soil and drainage to be in accordance with BS5572  
 waste in shower to be min 38 waste to sink to be min 25 waste to bath to be min 38 connected to existing stack  
 waste to existing waste stack  
 with of suitable valve fitted above the flood level of the sub  
 Sink taken to back inlet gully  
 Unisground drains to be 100 pvc/stone ground quantity headed in pvc gully min 150 all round to ground level  
 All drains winter with stench pipe to discharge via 900 mm diameter vent to atmosphere and fitted with proprietary bird proof terminals vent to be min 3000 horizontally from terminal lights 150 mm round to extend 200 behind building draining through walls to have expansion joints 150 either side of wall  
 Structural steelwork  
 all steel to be used to be suitable structural  
 all steel to be grade 1  
 all steel to be painted with preservative  
 use 1/2" thick plate of 1/2" min joint tested to 25 (24.5) tpa  
 to concrete base reinforcement  
 min 20 kg and 100 kg mesh  
 to be 100 mm mesh  
 min 20 kg mesh  
 where too large  
 over min and  
 after the  
 the  
 NOL for  
 if not  
 and  
 4 bolts

**LOADING DATA FOR CALCULATIONS**  
 2.0 kN/m<sup>2</sup> external wall to 1000  
 2.0 kN/m<sup>2</sup> internal partition elsewhere 2.5 kN/m<sup>2</sup>  
 2.0 kN/m<sup>2</sup> internal partition elsewhere 2.5 kN/m<sup>2</sup>  
 2.0 kN/m<sup>2</sup> internal partition elsewhere 2.5 kN/m<sup>2</sup>  
 2.0 kN/m<sup>2</sup> internal partition elsewhere 2.5 kN/m<sup>2</sup>  
 2.0 kN/m<sup>2</sup> internal partition elsewhere 2.5 kN/m<sup>2</sup>  
 2.0 kN/m<sup>2</sup> internal partition elsewhere 2.5 kN/m<sup>2</sup>  
 2.0 kN/m<sup>2</sup> internal partition elsewhere 2.5 kN/m<sup>2</sup>  
 2.0 kN/m<sup>2</sup> internal partition elsewhere 2.5 kN/m<sup>2</sup>  
 2.0 kN/m<sup>2</sup> internal partition elsewhere 2.5 kN/m<sup>2</sup>  
 2.0 kN/m<sup>2</sup> internal partition elsewhere 2.5 kN/m<sup>2</sup>  
 2.0 kN/m<sup>2</sup> internal partition elsewhere 2.5 kN/m<sup>2</sup>

CUMBRIA  
PLANNING  
SERVICES

THIS DOCUMENT IS DESIGNED FOR NEGOTIATIONS WITH THE RELEVANT LOCAL AUTHORITY FOR APPROVALS UNDER THE BUILDING ACT & TOWN AND COUNTRY PLANNING ACTS ONLY. ALL DIMENSIONS & ANY INFORMATION CONTAINED HEREIN MUST BE CHECKED FOR ACCURACY ON SITE BEFORE THE START OF ANY BUILDING WORKS AND ANY NECESSARY ALTERATIONS MADE. ALL INFORMATION CONTAINED HEREIN IS SUBJECT TO APPROVAL UNDER THE BUILDING ACT & TOWN AND COUNTRY PLANNING ACTS. ALTHOUGH THIS DOCUMENT IS PRINTED TO SCALE, DEVIATIONS DO OCCUR IN THE PRINTING AND DRAFTING AND THIS REASON ALL DIMENSIONS & INFORMATION MUST BE CHECKED ON SITE AND ANY ALTERATIONS MADE ACCORDINGLY.

CUMBRIA  
PLANNING  
SERVICES

29 ANTONINE WAY,  
HOUGHTON,  
CARLISLE,  
CA3 0LG  
Tel: 01228 535361

- KEY**
- EXISTING WALL
  - EXISTING WINDOW
  - EXISTING DOOR
  - EXISTING FLOOR
  - EXISTING ROOF
  - PROPOSED EXTENSION
  - SAUGHA FARM BALLEY NEWCASTLTON TD9 0TT

Mr & Mrs K Gray  
Tel No 016977 48346  
scale = 1-100

Drawn By:

DWG No TD9 0TT/SAUGHAS

CARTRIDGE

HANDY NUMBERS

BUILDERS MERCHANTS

New  
BY  
102  
Local  
Authorities

1:50

5

10

# CUMBRIA PLANNING SERVICES

THIS DOCUMENT IS DESIGNED FOR  
NEGOTIATIONS WITH THE  
RELEVANT LOCAL AUTHORITY FOR  
APPROVALS UNDER THE BUILDING  
ACT & TOWN AND COUNTRY  
PLANNING ACTS ONLY. ALL  
DIMENSIONS & ANY  
INFORMATION CONTAINED HEREIN  
MUST BE CHECKED FOR ACCURACY  
ON SITE BEFORE THE START OF ANY  
BUILDING WORKS AND ANY  
NECESSARY ALTERATIONS MADE.

ALL INFORMATION OBTAINED  
HEREIN IS SUBJECT TO APPROVAL  
UNDER THE BUILDING ACT & TOWN  
AND COUNTRY PLANNING ACTS.

ALTHOUGH THIS DOCUMENT IS  
PRINTED TO SCALE,  
DEFORMATIONS DO OCCUR IN THE  
PRINTING AND DRAFTING AND FOR  
THIS REASON ALL DIMENSIONS &  
INFORMATION MUST BE CHECKED  
ON SITE AND ANY ALTERATIONS  
MADE ACCORDINGLY.

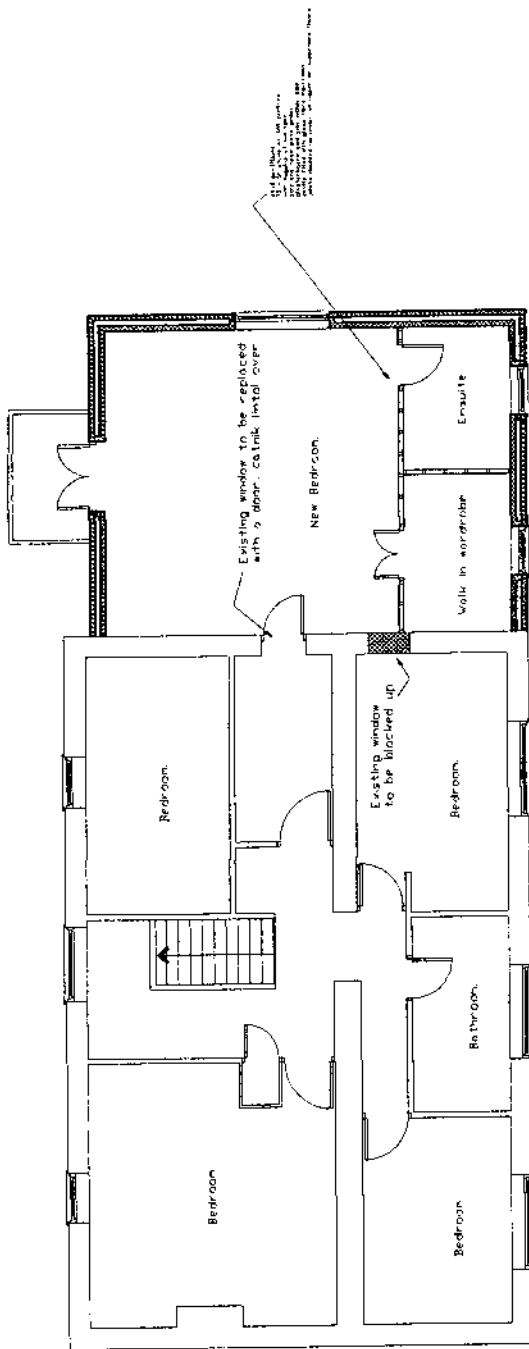
# CUMBRIA PLANNING SERVICES

79 ANTONINE WAY,  
HOUGHTON,  
CARLISLE,  
CA3 0LG  
Tel: 01228 535361

Proposed  
Extension  
to  
Saugha Farm  
Balley  
Newcastleton  
TD9 0TT

for  
Mr & Mrs K Gray  
Tel No 016977 48346  
scale = 1:100

Dwg No  
TD9 0TT/saugha5



First floor plan



## SCHEDULE A: Applications with Recommendation

02/1098

---

Item No: 18

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1098

**Applicant:**  
Mr W Francis

**Parish:**  
Rockcliffe

**Date of Receipt:**  
16/10/2002

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Ghyll Bank, Harker, Carlisle

**Grid Reference:**  
338457 560799

**Proposal:** Variation of condition nos. 4 & 5 attached to planning permission 94/0863 to allow all year round occupation of 30no. touring caravans for up to 28 days

**Amendment:**

John

---

### Report

#### Planning Policies:

##### **Rural Area Local Plan Environment - Proposal E6**

Within the remainder of the Plan area not covered by Proposals E2 - E5, permission will not normally be granted for major development which would have an adverse impact on the character of the landscape.

##### **Rural Area Local Plan Employment - Proposal EM8**

Within the Plan area, there will be a presumption in favour of proposals for the development of caravan sites, provided that:

1. The scale of the proposal is consistent with the character of the local landscape; and
2. The site is adequately screened by landscape features; and
3. The proposal includes adequate additional landscaping; and
4. Adequate access can be provided; and
5. Other proposals of the Plan (especially E1 - E6) are not prejudiced.

#### Summary of Consultation Responses:

## **SCHEDULE A: Applications with Recommendation**

02/1098

**Cumbria County Council - (Highways Authority):** No objections.

**Rockcliffe Parish Council:** The Parish Council objects to the application for the following reasons:-

- i. The proposal would in effect create a residential site, but the restrictions would be unenforceable.
- ii. The proposals would be contrary to policies EM13 and H6.
- iii. The proposals would be an undesirable precedent.
- iv. The warden's house has been sold, so there is no resident warden.
- v. If there is a legal obligation to educate children there may be an effect on local schools.

**Environmental Services:** Comments awaited.

### **Summary of Representations:**

This application has been advertised by means of a site notice and neighbour notification. Eight letters of objection have been received. The following objections are raised:-

1. There is no need for additional or extended facilities for caravans or the travelling community.
2. The proposal would result in increased traffic, litter, noise and disturbance in a rural location.
3. The site is unsuitable because of the presence of the sub-station, and lack of play space for children.
4. The site would become a residential site.
5. The proposal would have an adverse effect on the adjacent caravan storage site.
6. There is no approved warden's accommodation but there are illegally occupied caravans on site permanently.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

Members will recall that when this application was considered at the meeting on 20th December, members were minded to refuse it, contrary to the officer's recommendation. The application is therefore brought back before the Committee, so that reasons for refusal can be agreed.

The site has a planning history which goes back to 1975, when permission was refused for the erection of two dwellings on the site. Another outline application for residential development was refused in 1980. In 1994, under application 94/0863, permission was granted for the use of the site as a touring caravan site and caravan storage area, subject to conditions which linked the number of touring caravans to 30, and occupation to 14 days. Further conditions prohibited static caravans and limited the use of the site for tourer's to March to October.

## **SCHEDULE A: Applications with Recommendation**

02/1098

In June 1996, an application for a warden's dwelling and shop was refused and an appeal against this decision was dismissed.

In October 2000, permission was granted for one caravan to be occupied during the winter up to 31st January 2001.

In February 2001, application 01/0091 was submitted, seeking permission for amendments to the conditions attached to permission 94/0863 to allow unrestricted occupation for 12 static caravans and 18 tourer's. This application was refused for the following reason:-

The proposed alterations to the pattern of use of the caravan site would result in the establishment of a separate, permanent residential development in a location distinct from any recognised settlement and contrary to policies H6 and EM13 of the Carlisle District Plan.

In August 2001, these proposals were re-submitted as application 01/0735, but this was again refused in February this year, for the same reason as before.

### **Details of Proposal:**

The current proposal is to amend the conditions related 94/0863, to allow 30 touring caravans to be stationed on the site, for up to 28 days throughout the year. The proposal therefore retains the same number of vans as the original 1994 approval, but increases the maximum length of stay from 14 days to 28 days, and increases the period of occupancy to the entire year, as opposed March-October only.

In seeking to extend the permitted period of stay to 28 days, the applicant is proposing to operate the site as a transit site, and this is explained in a supporting letter from the Gypsy Council, reproduced in the schedule. It is made clear however that the site would open to all, not just the travelling community. It is argued that there is a need for such a site, to supplement provision at Hadrian's Camp.

In considering this application, Members should have regard to the history of the site, relevant local plan policies and government advice related to caravan sites.

In this regard, it will be noted that the previous applications were refused because the site was considered unsuitable for permanent residential occupation in view of its location unrelated to a recognised settlement.

Although officers considered that this objection no longer applies because occupation would remain on a temporary basis, members took a contrary view and argued that extending the period of occupancy, both in terms of the length of stay, and whole of the year, was tantamount to creating permanent residential occupation, and was therefore unacceptable. The recommended reason for refusal therefore reflects this view.

---

### **Human Rights Act 1998:**

## SCHEDULE A: Applications with Recommendation

02/1098

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

- Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
- Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;
- Article 8** recognises the "Right To Respect for Private and Family Life";
- Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This application raises issues related to Article 8 of the Human Rights Act, but it is considered that this should not restrict the grant of permission.

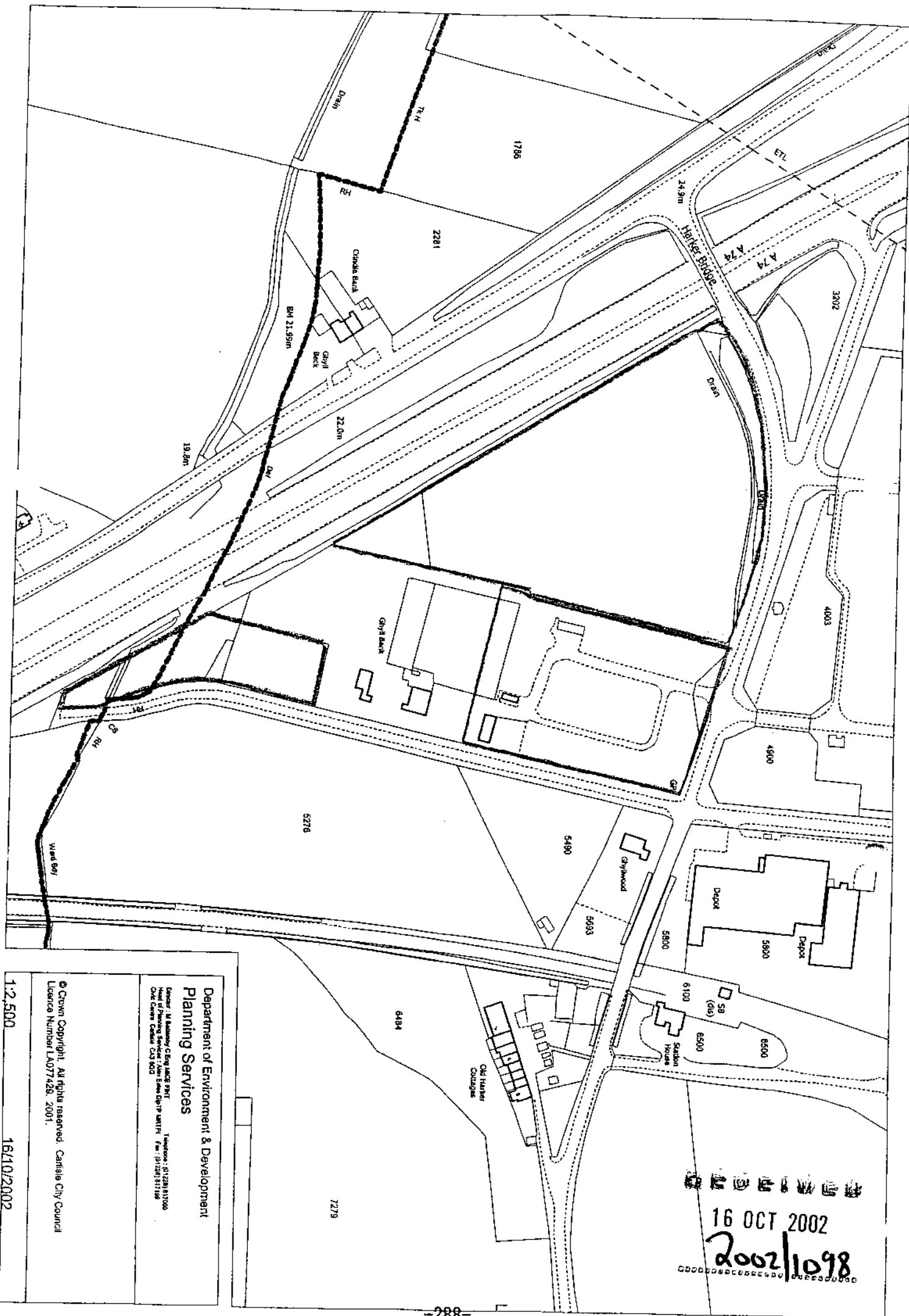
---

### Recommendation: Refuse Permission ✓

- Reason:** The proposal to extend the period of occupation of caravans on the site to the whole of the year for periods for up to 28 days, would be tantamount to creating residential use of the site. Such a use in this location, outside a recognized settlement, and separate from community services, contrary to Policies H6, EM13 and H20 of the Carlisle District Plan. X

---

P289 →



16 OCT 2002  
 2002/1098

Department of Environment & Development  
 Planning Services  
 Director: M. R. B. [unclear] [unclear] [unclear]  
 Head of Planning Services: Alan Eames [unclear] [unclear]  
 Site Control Officer: [unclear] [unclear] [unclear]  
 Telephone: 01228 915000  
 Fax: 01228 517188

© Crown Copyright. All rights reserved. Carlisle City Council  
 Licence Number LA077426, 2001.

1:2,500  
 16/10/2002

## SCHEDULE A: Applications with Recommendation

02/1151

---

**Item No: 19**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1151

**Applicant:**  
Mr & Mrs R A James

**Parish:**  
Carlisle

**Date of Receipt:**  
12/11/2002

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**  
13 Rosebery Road, Stanwix, Carlisle, CA3 9HU

**Grid Reference:**  
339920 557300

**Proposal:** Two storey extension to provide living room, cloakroom, enlarged kitchen and conservatory with 2no. bedrooms above

**Amendment:**

*Richard*

---

### Report

#### Planning Policies:

##### **Carlisle District Plan Housing - Proposal H14**

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

##### **Carlisle District Plan Housing - Proposal H17**

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

## **SCHEDULE A: Applications with Recommendation**

02/1151

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** Comments awaited.

### **Summary of Representations:**

This application has been advertised by means of direct notification to the occupiers of four of the neighbouring properties. No representations have been received at the time of writing this report.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

Planning permission was granted for the erection of a private garage in 1937.

In 1988, planning permission was granted for the use of part of the premises (one room and a garage) for control room and incidental repair and maintenance of vehicles.

#### **Details of Proposal:**

13 Roseberry Road is a two storey semi detached property located on a 'no through' residential street accessed from Scotland Road.

Permission is sought for a two storey extension on the gable end of the dwelling to provide a living room, W.C. and enlarged kitchen with 2no. bedrooms at first floor. The property is constructed from facing brick and render under a slate roof and the proposed extension would be constructed from materials to match the existing.

To the rear of the dwelling it is proposed to erect a conservatory. This element would only be single storey in height.

In the context of Policies H14 and H17 it is felt that there are two main considerations, namely: i) whether the proposal is detrimental to the amenity of neighbours; and, ii) whether detrimental to the character of the area.

In the case of the former it is not considered that the development adversely affects the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight.

In relation to the latter, the street is characterised by a mixture of terraced and semi detached properties. Upon entering Roseberry Road from Scotland Road, the south side of the street is typically terraced until the property which is the subject of this current application. This dwelling marks the beginning of two pairs of semi detached properties. Further along the road, there is another row of terraced properties. Members will note that this point is illustrated in the photographs and site location

plan reproduced following this Report.

The main issue which is of concern in determining this application, is the fact that the two storey element to the extension would occupy the whole of the piece of land adjacent to the property and adjoin the neighbouring property. In effect, there would be an apparent anomaly of a semi-detached house, with its own distinctive period detailing and design, being attached to a terraced house with its own particular style.

Additional correspondence has been received from the applicant and this is reproduced following the Report. In this letter, the applicant highlights that there is a mixture of house types within the street and that the fact that number 13 is set back from the adjacent properties, the terracing effect will not be continued. Consequently, the applicant believes that the development will not adversely affect the character of the area.

When considered in isolation it is felt that the proposals are modest in scale and design and would not be disproportionate or obtrusive in relation to the footprint of the existing property. The main concerns are the incongruous appearance caused by of the linking of the two distinctive types of properties, and, the likely effect on the street scene also because of the precedent that may be created by allowing this proposal.

In considering both concerns Members are in the position of having to make a finely balanced subjective judgement. On the one hand, the street which is not in a designated conservation area, is already characterised by a mixture of house types and Members will be aware of a similar situation along Warwick Road where a purposely designed terrace of more recent houses adjoin a Victorian terrace. This aside, there are no readily available examples in the City of a semi-detached house being subsequently linked to a terraced property. Should the development proceed as proposed, the extension would result in a continuation of the terrace into an area of the street which is characteristically semi detached. This would result in a detrimental visual effect on the character of the streetscene and may lead to other similar applications which this Council would then find difficult to resist.

---

### **Human Rights Act 1998:**

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;



## SCHEDULE A: Applications with Recommendation

02/1151

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above. The applicants rights are respected but in this instance it is considered that the harm caused outweighs any personal considerations.

(S)

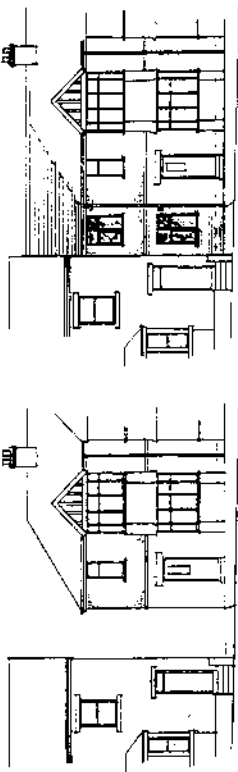
---

### **Recommendation:** Refuse Permission

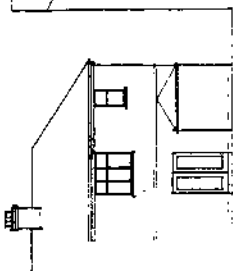
- Reason:** The two storey element of this proposal would be located on the west facing gable of this semi detached property and would occupy the entire parcel of land adjoining the neighbouring property, number 11 Roseberry Road. Within this residential street there is a mixture of semi detached and terraced properties, each type being distinct within the streetscene. By virtue of the scale, mass and siting of the proposed two storey extension, the development would result in a continuation of the adjacent terrace which would be detrimental to the character and appearance of the streetscene. The proposal is therefore inappropriate to the dwelling and would be contrary to the objectives of Policy H14 (Extensions to Dwellings) of the Carlisle District Local Plan.

---

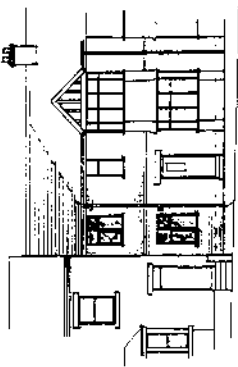
P300 →



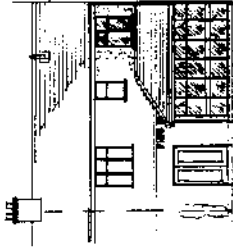
FRONT ELEVATION AS EXISTING



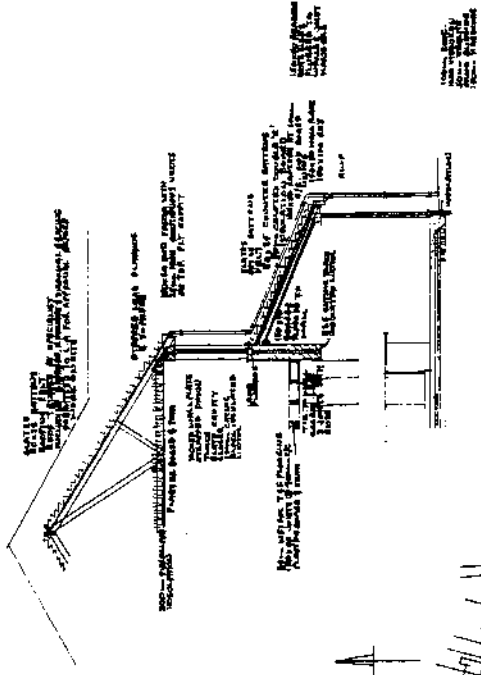
REAR ELEVATION AS EXISTING



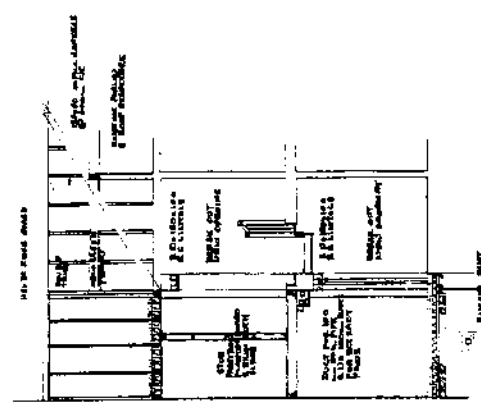
FRONT ELEVATION AS PROPOSED



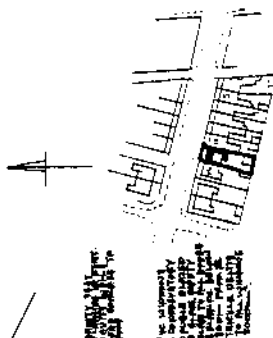
REAR ELEVATION AS PROPOSED



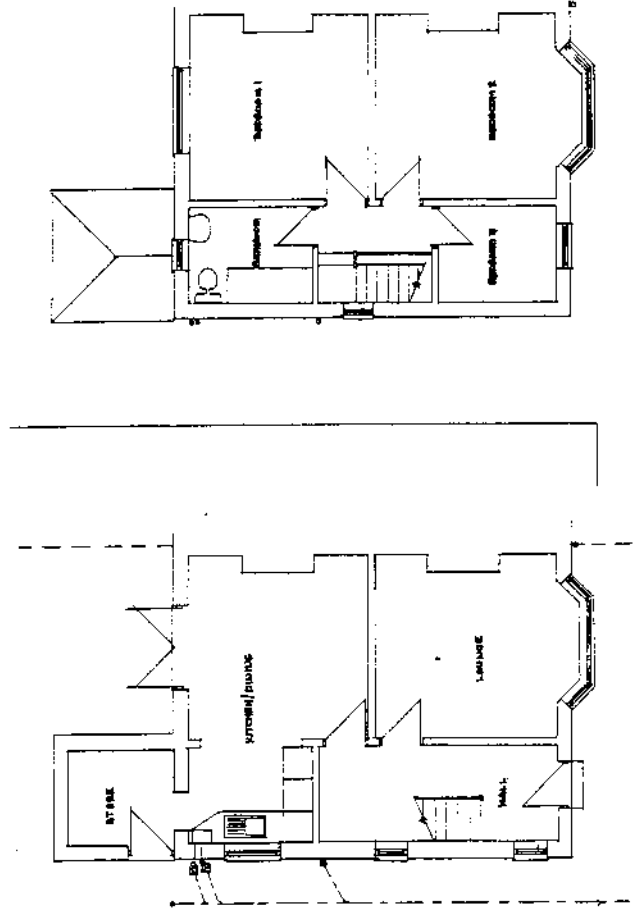
SECTION A-A



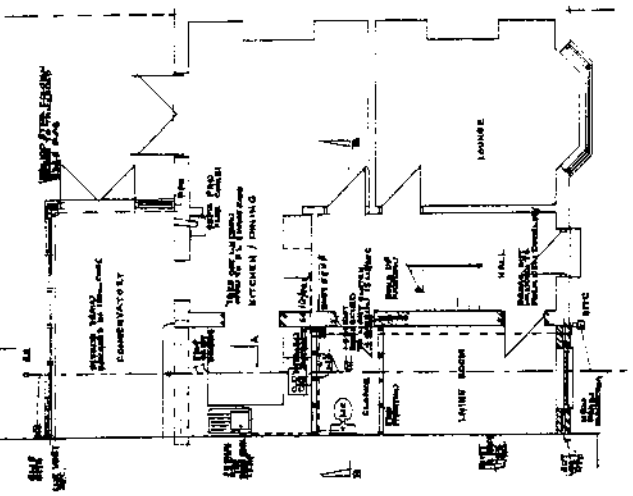
SECTION B-B



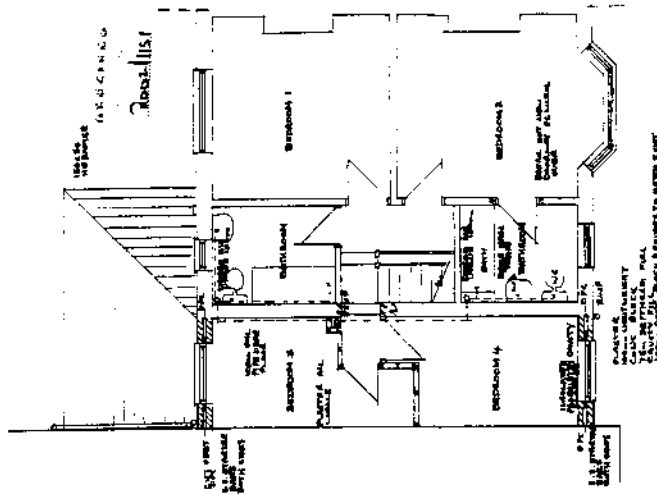
SITE PLAN



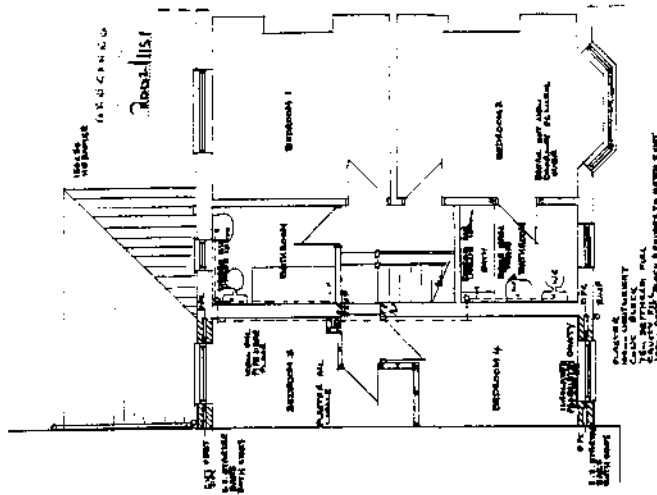
GROUND FLOOR PLAN AS EXISTING



GROUND FLOOR PLAN AS PROPOSED



FIRST FLOOR PLAN AS EXISTING



FIRST FLOOR PLAN AS PROPOSED

PROPOSED ALTERATIONS TO 19 BARNBERRY ROAD, CHELSEA FOR MR & MRS K. JAMES  
SCALE 1/8" = 1'-0" PLAN 1/4" = 1'-0" SEPT 1907

13 Roseberry Road 23.12.02 1.JPG



13 Roseberry Road 23.12.02 2.JPG



13 Roseberry Road 23.12.02 3.JPG



13 Roseberry Road 23.12.02 4.JPG



13 Rosebery Road  
Stanwix  
Carlisle  
CA3 9HU

Mr R Maunsell  
Assistant Development Control Officer  
Planning Services  
Carlisle City Council  
The Civic Centre  
Carlisle  
CA3 8QG

9 December 2002

PLANNING SERVICES	
REF: 02/1151	
11 DEC 2002	
	EN
	RSM
ACTING	

Your ref: RJM/DC/02/1151

Dear Mr Maunsell

**Proposal:** Two storey extension to provide living room, cloakroom, enlarged kitchen and conservatory with 2no bedrooms above.  
**Location:** 13 Rosebery Road, Carlisle  
**Appn No:** 2002/1151

Further to our conversation today- I understand that the form regarding notice to our neighbours has already been submitted to you by hand as requested. I also submit the following information in support of our planning application.

The plans we have submitted for the extension to our property seemed to be the most logical and neat way of extending the property with the least amount of impact to anyone else.

The space we are proposing to build on is not used. It is not large enough for a car but would give us the extra space we need as our family gets older. We have access to the back lane through the garage so we do not need this access.

We were also mindful of our neighbours at number 15 and were conscious that if we filled in the gap we would not be blocking out the light into their house and garden as the extension and conservatory are much smaller than No 11's gable wall.

The proposed extension is set back from the front of number 11, the street scene from the top or the bottom of the street would not be altered. It would only be if you were directly opposite our house that it may be seen although as we will be using the same bricks etc as our existing property and have copied the structure, windows and roof it should blend in.

Number 11 next door has a large gable wall and the extension would be against this wall. This would have the benefit of helping to heat No 11 thus being more environmentally friendly.

Other properties in the street have also been extended Number 16 for example has a huge extension which has been allowed which is far more noticeable than ours will be.

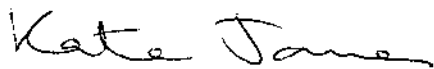
The street is already a mix of terraced and semi detached houses as follows :-

Numbers 1 – 11	terraced	2 – 10 terraced
Number 13 – 19	semi detached	12 – 40 semi detached
Numbers 21 - 35	terraced	
Numbers 37 - 39	semi's	
With Burnside Court at the bottom		

As the street is already a mix then I feel the impact of our extension would be minimal.

If you have any further queries or require further information please do not hesitate to contact me.

Yours sincerely



Kate James



## SCHEDULE A: Applications with Recommendation

02/1160

---

**Item No: 20**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1160

**Applicant:**  
Barratt Manchester

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
05/11/2002

**Agent:**

**Ward:**  
Daiston

**Location:**  
L/A Carleton Grange, Garlands Road, Garlands Estate, Carlisle

**Grid Reference:**  
342800 554000

**Proposal:** Substitution of house types plots 320-323 and 347a-353a inc.

**Amendment:**

*Alan.*

---

### Report

#### Planning Policies:

#### **Carlisle District Plan Housing - Proposal H1**

To provide for housing needs, an additional 4,664 dwellings are required between April 1st 1994 and April 1st 2006. Making allowances for sites with planning permission and windfall sites provision, land for a further 2,146 dwellings is allocated for primary residential purposes, providing for a variety of housing needs. These additional sites, are:

<b>Dwellings</b>	<b>Site</b>	<b>Ha.</b>
i. Morton Carlisle	41.00	1.025*
ii. Garlands Carlisle	17.80	445*
iii. Warwick Road, Carlisle	5.10	128*
iv. Brisco Road, Carlisle	3.30	83*
v. RAF 14MU Site No. 4	3.50	90*
vi. Windsor Way, Carlisle	8.04	200*
vii. Scotby, Carlisle	2.30	58*
viii William Howard Lower School, Brampton	1.00	25*
ix. Barras Lane, Dalston	2.99	50

## SCHEDULE A: Applications with Recommendation

02/1160

x.	Nook Lane, Dalston	1.47	20
xi	Ladyseat, Longtown	0.87	22*
<b>Total</b>		<b>87.37</b>	<b>2,146</b>

\*Site capacity for these sites is based on 25 dwellings per hectare.

Proposals for residential development not included in the above allocations will be assessed according to Policies H2-H7.

All housing developments will be closely monitored to ensure that the scale of residential development relates to the Structure Plan requirement.

### **Carlisle District Plan Housing - Proposal H16**

High standards of design in new housing sites and dwellings will be required. Matters to be considered include: The layout of roads and buildings; footpaths and cycleways; the retention of existing trees and hedgerows; planning out crime; the provision of public open space; the relationship to adjacent development.

#### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** no objections;

**St Cuthberts Without Parish Council:** no objections.

#### **Summary of Representations:**

A Site Notice has been displayed but there have been no representations.

#### **Details of Proposal/Officer Appraisal:**

##### **Planning History:**

Outline Consent for the residential development of land to the north of Garlands Hospital was initially secured by the Regional Health Authority in December 1989.

Following disposal of the land, detailed planning permission for the development of that surplus land for housing purposes, comprising 443 dwellings, was approved in October 1997 and the site's development has subsequently been proceeding accordingly

Several variations to the layout and house types have been accepted as amendments in 1998, 1999, and 2000. In March 2001 approval was also given to further substitutions of house types within the development that resulted in the

## SCHEDULE A: Applications with Recommendation

02/1160

overall "approved" dwelling numbers increasing to 462 units.

In November of last year approval was given to a further substitution of house types at a number of plots, subject to the attainment of a Deed of Variation to the existing S106 Agreement. That was concluded and planning permission was issued in early December 2002.

### Details of Proposal:

This application seeks a further variation of house types in respect of 18 plots at the above site. The proposed dwellings comprise 1 detached, 3 pairs of semi-detached and 1 terrace of 3 dwellings of the "Palmerston" 3 bed house type, together with 4 pairs of 4 bed semi-detached houses of the "Palmerston 4" dwelling type.

Both dwelling types are already approved within the site and a number have been built on other plots and are occupied. Finishes and detailing would be the same as the already built units.

A submission of this nature would, in normal circumstances, have been able to be considered under the Scheme of Delegation but as the proposals entail a further Deed of Variation to the existing S106 Agreement, Members authorisation to negotiate and secure that Deed is necessary.

### Informative Notes to Committee:

#### 1. Section 106 Agreement with Authority to Issue

In view of the nature of the proposal and the planning issues associated with it, it is recommended that the applicant(s) be invited to enter into a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 and that subject to a satisfactory agreement being concluded, Officers be authorised to issue planning approval.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be

## SCHEDULE A: Applications with Recommendation

02/1160

applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

There is no conflict with provisions of the Act.

A + I 1307 →

---

### **Recommendation:** Grant Permission

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building(s) have been submitted to and approved by the local planning authority. Such details shall include the type, colour and texture of the materials.

**Reason:** To ensure that materials to be used are acceptable.

3. Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.

**Reason:** To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

4. Trees and shrubs shall be planted in accordance with a scheme to be agreed with the local planning authority before building work commences and the trees and shrubs shall be retained and maintained to the satisfaction of the local planning authority; the scheme shall include a detailed survey of any existing trees and shrubs on the site and shall indicate plant species and those trees and shrubs to be retained.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and any

## SCHEDULE A: Applications with Recommendation

02/1160

trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented.

6. Trees or hedges chosen for retention in the landscaping scheme shall not for the duration of the development works be damaged or destroyed, uprooted, felled, lopped or topped without prior written consent of the local planning authority.

**Reason:** To protect trees and hedges during development works.

7. For the duration of the development works existing trees to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk or hedge specified by the local planning authority. The Authority shall be notified at least seven days before work starts on site so that barrier positions can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

**Reason:** To protect trees and hedges during development works.

8. The detailed plans required by the aforementioned conditions shall incorporate full details of the proposed locations of all services and service trenches and these shall be designed and sited to avoid or minimise the damage to the roots of the existing established trees.

**Reason:** To protect trees and hedges during development works.

9. In the event of trenches or excavations exposing tree roots of 50mm/2 inches diameter or more, these should be carefully retained and protected by suitable measures including (where otherwise unavoidable) bridging trenches. No severance of tree roots 50mm/2 inches or more in diameter shall be undertaken without prior notification to, and the subsequent approval of the local planning authority and where such approval is given, the roots shall be cut back to a smooth surface. Prior to the commencement of development, protective fencing shall be erected around the canopy areas of the major trees identified to be retained, and no machinery or vehicles shall be parked within, or materials stored, dumped or spilled within that area.

**Reason:** To protect trees and hedges during development works.

10. Following completion of construction works and removal of site machinery and materials, protective fencing may be dismantled to permit ground preparation and cultivation works, if required, adjacent to the trees. Any such ground preparation and cultivation works shall be carried out by hand, taking care not to damage any roots encountered.

**Reason:** To protect trees and hedges during development works.

11. Adequate underground ducts shall be installed by the developers, to the satisfaction of the local planning authority, before any of the building(s) hereby permitted are occupied, to enable telephone services, electricity services and communal television services to be connected to any premises within the application site, without recourse to the erection of distribution poles and overhead lines, and in providing such ducts the developers shall co-ordinate the provision of such services with the respective undertakers; notwithstanding the provisions of Article 3(1) and the Schedule 2 Part 17 Class G (B) of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no distribution pole or overhead lines within the area shall be erected, save with the express consent of the local planning authority.

**Reason:** To maintain the special visual character of the locality.

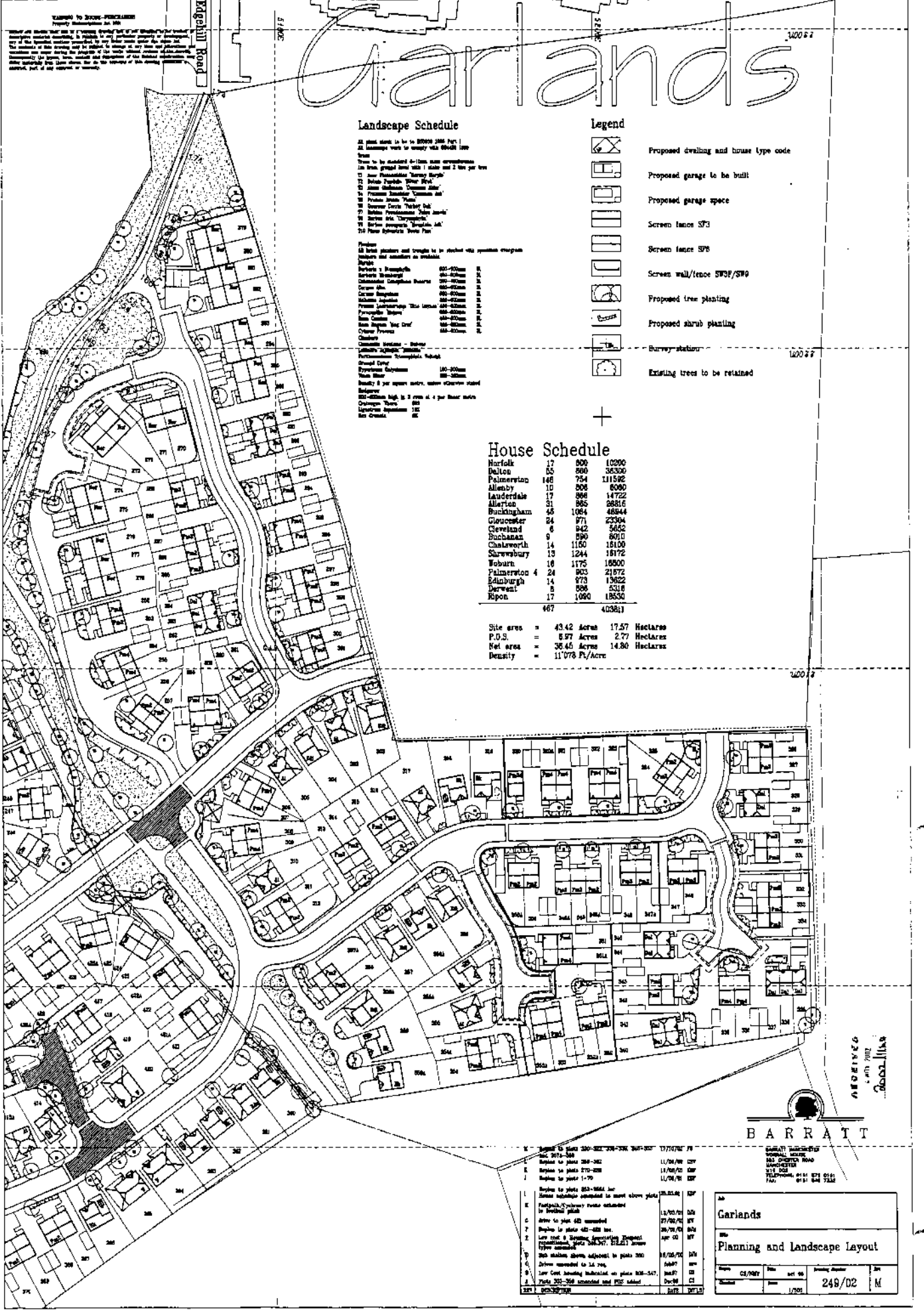
12. The access covers to the underground ducts to be installed pursuant to the above condition shall be carefully located in relation to the surface finishes and to the satisfaction of the local planning authority and shall be of the type whereby the "tray" may be infilled with the appropriate surface materials.

**Reason:** To maintain the special visual character of the locality.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order), no building, garage, shed or other structure be erected within the curtilage of any dwelling hereby permitted without the prior permission of the local planning authority and the approval by them of the design, siting and external appearance of such structures.

**Reason:** The local planning authority wishes to retain full control over the matters referred to in order to protect the character, integrity and appearance of the building and its setting.

---



# Gariands

### Landscape Schedule

- 1. All trees shown to be to 10000 2000 1000
- 2. All remaining trees to remain with 60000 1000
- 3. Trees to be standard 6-10m tall crownwidth
- 4. In trees ground level 100 1.5m and 2.5m per tree
- 5. 10 New Plantations "Honey Maple"
- 6. 10 New Plantations "Silver Birch"
- 7. 10 New Plantations "Common Elm"
- 8. 10 New Plantations "Common Ash"
- 9. 10 New Plantations "Common Hornbeam"
- 10. 10 New Plantations "Common Hazel"
- 11. 10 New Plantations "Common Hawthorn"
- 12. 10 New Plantations "Common Spindle Tree"
- 13. 10 New Plantations "Common Dogwood"
- 14. 10 New Plantations "Common Field Maple"
- 15. 10 New Plantations "Common Sorbus"
- 16. 10 New Plantations "Common Rowan"
- 17. 10 New Plantations "Common Elder"
- 18. 10 New Plantations "Common Yew"
- 19. 10 New Plantations "Common Juniper"
- 20. 10 New Plantations "Common Cypress"
- 21. 10 New Plantations "Common Lavender"
- 22. 10 New Plantations "Common Rosemary"
- 23. 10 New Plantations "Common Thyme"
- 24. 10 New Plantations "Common Sage"
- 25. 10 New Plantations "Common Basil"
- 26. 10 New Plantations "Common Parsley"
- 27. 10 New Plantations "Common Dill"
- 28. 10 New Plantations "Common Fennel"
- 29. 10 New Plantations "Common Coriander"
- 30. 10 New Plantations "Common Mint"
- 31. 10 New Plantations "Common Lemon Balm"
- 32. 10 New Plantations "Common Peppermint"
- 33. 10 New Plantations "Common Eucalyptus"
- 34. 10 New Plantations "Common Ginkgo"
- 35. 10 New Plantations "Common Magnolia"
- 36. 10 New Plantations "Common Camellia"
- 37. 10 New Plantations "Common Hibiscus"
- 38. 10 New Plantations "Common Begonia"
- 39. 10 New Plantations "Common Impatiens"
- 40. 10 New Plantations "Common Petunia"
- 41. 10 New Plantations "Common Geranium"
- 42. 10 New Plantations "Common Verbena"
- 43. 10 New Plantations "Common Salvia"
- 44. 10 New Plantations "Common Lavandula"
- 45. 10 New Plantations "Common Origanum"
- 46. 10 New Plantations "Common Thymus"
- 47. 10 New Plantations "Common Rosmarinus"
- 48. 10 New Plantations "Common Echinacea"
- 49. 10 New Plantations "Common Calendula"
- 50. 10 New Plantations "Common Marigold"
- 51. 10 New Plantations "Common Zinnia"
- 52. 10 New Plantations "Common Cosmos"
- 53. 10 New Plantations "Common Sunflower"
- 54. 10 New Plantations "Common Gladiolus"
- 55. 10 New Plantations "Common Iris"
- 56. 10 New Plantations "Common Tulip"
- 57. 10 New Plantations "Common Daffodil"
- 58. 10 New Plantations "Common Hyacinth"
- 59. 10 New Plantations "Common Allium"
- 60. 10 New Plantations "Common Narcissus"
- 61. 10 New Plantations "Common Anemone"
- 62. 10 New Plantations "Common Ranunculus"
- 63. 10 New Plantations "Common Delphinium"
- 64. 10 New Plantations "Common Foxglove"
- 65. 10 New Plantations "Common Poppy"
- 66. 10 New Plantations "Common Poppo"
- 67. 10 New Plantations "Common Belladonna"
- 68. 10 New Plantations "Common Mandarin Orange"
- 69. 10 New Plantations "Common Blood Orange"
- 70. 10 New Plantations "Common Valencia Orange"
- 71. 10 New Plantations "Common Navel Orange"
- 72. 10 New Plantations "Common Tangerine"
- 73. 10 New Plantations "Common Grapefruit"
- 74. 10 New Plantations "Common Lemon"
- 75. 10 New Plantations "Common Lime"
- 76. 10 New Plantations "Common Mandarin"
- 77. 10 New Plantations "Common Satsuma"
- 78. 10 New Plantations "Common Kumquat"
- 79. 10 New Plantations "Common Citrus"
- 80. 10 New Plantations "Common Citrus"

### Legend

- Proposed dwelling and house type code
- Proposed garage to be built
- Proposed garage space
- Screen fence SFS
- Screen fence SPS
- Screen wall/fence SWSF/SWF
- Proposed tree planting
- Proposed shrub planting
- Survey station
- Existing trees to be retained

### House Schedule

House Type	No.	Area (sqm)	Area (sqft)
Norfolk	17	500	10200
Dalton	55	580	38300
Palmerston	148	754	111500
Alenby	10	508	6080
Lauderdale	17	588	14720
Allerton	31	585	28816
Buckingham	45	1064	43844
Gloucester	24	571	23304
Cleveland	6	942	5652
Buchanan	9	590	6910
Chalworth	14	1150	18100
Shrewsbury	13	1244	18172
Woburn	16	1175	16800
Palmerston 4	24	903	21872
Edinburgh	14	973	13622
Darwent	5	536	5318
Ripon	17	1080	18530
<b>Total</b>	<b>487</b>	<b>40381</b>	

Site area = 43.42 Acres 17.57 Hectares  
 P.O.S. = 5.97 Acres 2.77 Hectares  
 Net area = 36.45 Acres 14.80 Hectares  
 Density = 11'078 Ft/Acre

BARRATT

Item	Description	Date	By
1	Review to plot 253-254A lot	28/05/02	SP
2	Review to plot 253-254B lot	28/05/02	SP
3	Review to plot 253-254C lot	28/05/02	SP
4	Review to plot 253-254D lot	28/05/02	SP
5	Review to plot 253-254E lot	28/05/02	SP
6	Review to plot 253-254F lot	28/05/02	SP
7	Review to plot 253-254G lot	28/05/02	SP
8	Review to plot 253-254H lot	28/05/02	SP
9	Review to plot 253-254I lot	28/05/02	SP
10	Review to plot 253-254J lot	28/05/02	SP
11	Review to plot 253-254K lot	28/05/02	SP
12	Review to plot 253-254L lot	28/05/02	SP
13	Review to plot 253-254M lot	28/05/02	SP
14	Review to plot 253-254N lot	28/05/02	SP
15	Review to plot 253-254O lot	28/05/02	SP
16	Review to plot 253-254P lot	28/05/02	SP
17	Review to plot 253-254Q lot	28/05/02	SP
18	Review to plot 253-254R lot	28/05/02	SP
19	Review to plot 253-254S lot	28/05/02	SP
20	Review to plot 253-254T lot	28/05/02	SP
21	Review to plot 253-254U lot	28/05/02	SP
22	Review to plot 253-254V lot	28/05/02	SP
23	Review to plot 253-254W lot	28/05/02	SP
24	Review to plot 253-254X lot	28/05/02	SP
25	Review to plot 253-254Y lot	28/05/02	SP
26	Review to plot 253-254Z lot	28/05/02	SP

Gariands			
Planning and Landscape Layout			
Project	CS/002	Scale	1:500
Date	1/2002	Drawing Number	249/02
Author		Checked	M

## SCHEDULE A: Applications with Recommendation

02/1213

---

**Item No: 21**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1213

**Applicant:**  
Mr F Lowe

**Parish:**  
Wetheral

**Date of Receipt:**  
19/11/2002

**Agent:**  
Jock Gordon

**Ward:**  
Wetheral

**Location:**  
Low Cotehill Farm, Low Cotehill, Carlisle, CA4 0EJ

**Grid Reference:**  
347293 550547

**Proposal:** Conversion of domestic garages to dwelling

**Amendment:**

*John*

---

### Report

#### Planning Policies:

#### Affecting the Setting of a Listed Building

#### Carlisle District Plan Housing - Proposal H6

Within the remainder of the Plan area, outside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

#### Summary of Consultation Responses:

**Cumbria County Council - (Highway Authority):** No objection.

**Wetheral Parish Council:** The Parish Council objects to this application on the following grounds:-

1. If the proposal is approved, there will be no off road parking for 2 dwellings.
2. The proposal would result in an unnecessary dwelling in open countryside.
3. A higher quality of design and materials should be expected.

**Environment Agency (N Area (+ Waste Disp)):** No comments.

**English Nature:** Bat informative required.

#### Summary of Representations:

This application has been advertised by means of a site notice and neighbour



## **SCHEDULE A: Applications with Recommendation**

02/1213

notification. No responses have been received.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

In 1984/5, there were three applications approved for the following proposals:-

- i. an extension to the rear of the farmhouse.
- ii. conversion of the outbuildings which are the subject of the current application to garages.
- iii. conversion of one section of the outbuildings to form a dwelling.

At this time, the farmhouse was a grade II listed building and listed building consent was therefore given for the above alterations. As a result of the unsympathetic nature of the alterations, the building was removed from the list in 2001.

#### **Details of Proposal:**

Permission is sought for the conversion of outbuildings presently used as a garage to form an additional dwelling at Low Cotehill Farm. Low Cotehill is a small hamlet some 0.5 km west of Cotehill itself. Low Cotehill Farm is a former farmhouse, with access from a lane leading to a farm and a number of other dwellings.

The farmhouse itself is a house with rendered walls and slate roof with single storey outbuildings arranged round a courtyard. The section of outbuildings facing across the courtyard towards the house has been converted to a separate dwelling. The proposal is to convert one section of the remaining outbuildings to form a two bedroom dwelling. Existing openings facing onto the courtyard are used, with other openings as necessary.

It is felt that the issues raised by this application relate primarily to the acceptability of the proposal in terms of Policy H12 of the Carlisle District Plan. In this context, it will be noted that the buildings are to be converted without extensions, retaining the existing courtyard layout. New openings are positioned logically, and match those in the existing house. It will be noted that the Parish Council have objected to the application on the basis that this is an unnecessary dwelling in the open countryside, but as a conversion of an existing building, this is not a relevant consideration. Likewise the loss of garages still leaves ample parking within the courtyard area for both the existing and proposed dwellings. The proposal is therefore recommended for approval.

---

#### **Human Rights Act 1998:**

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants

## SCHEDULE A: Applications with Recommendation

02/1213

seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This application does not raise implications arising from the Human Rights Act.

---

**Recommendation:** Grant Permission

P314 →

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

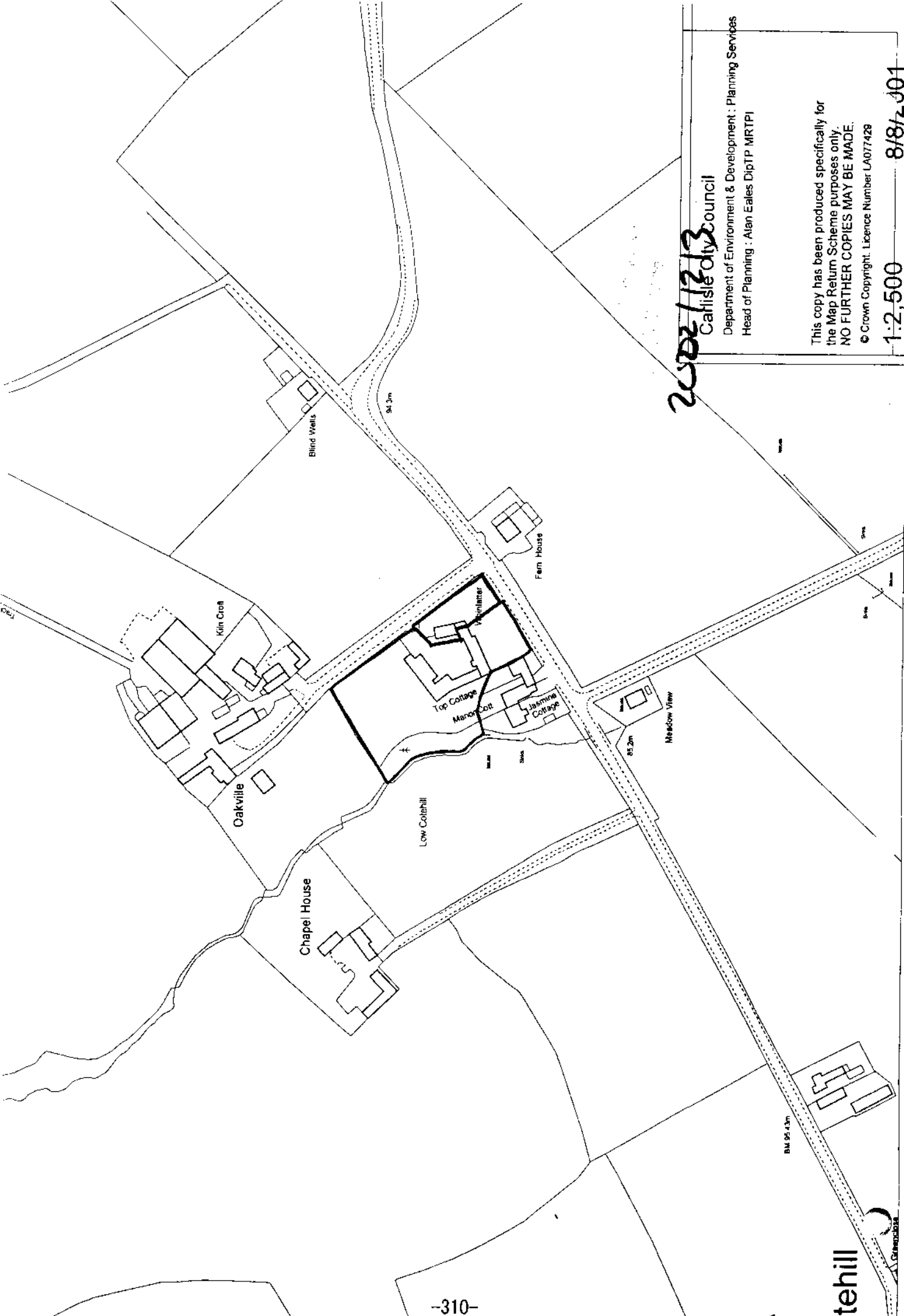
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling unit to be formed in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the local planning authority.

**Reason:** To ensure that the character and attractive appearance of the building(s) is not harmed by inappropriate alterations and/or extensions.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order), no building, garage, shed or other structure be erected within the curtilage of the dwelling hereby permitted without the prior permission of the local planning authority and the approval by them of the design, siting and external appearance of such structures.

**Reason:** The local planning authority wishes to retain full control over the matters referred to in order to protect the character, integrity and appearance of the building and its setting.

---



2002/1213

Carlisle City Council

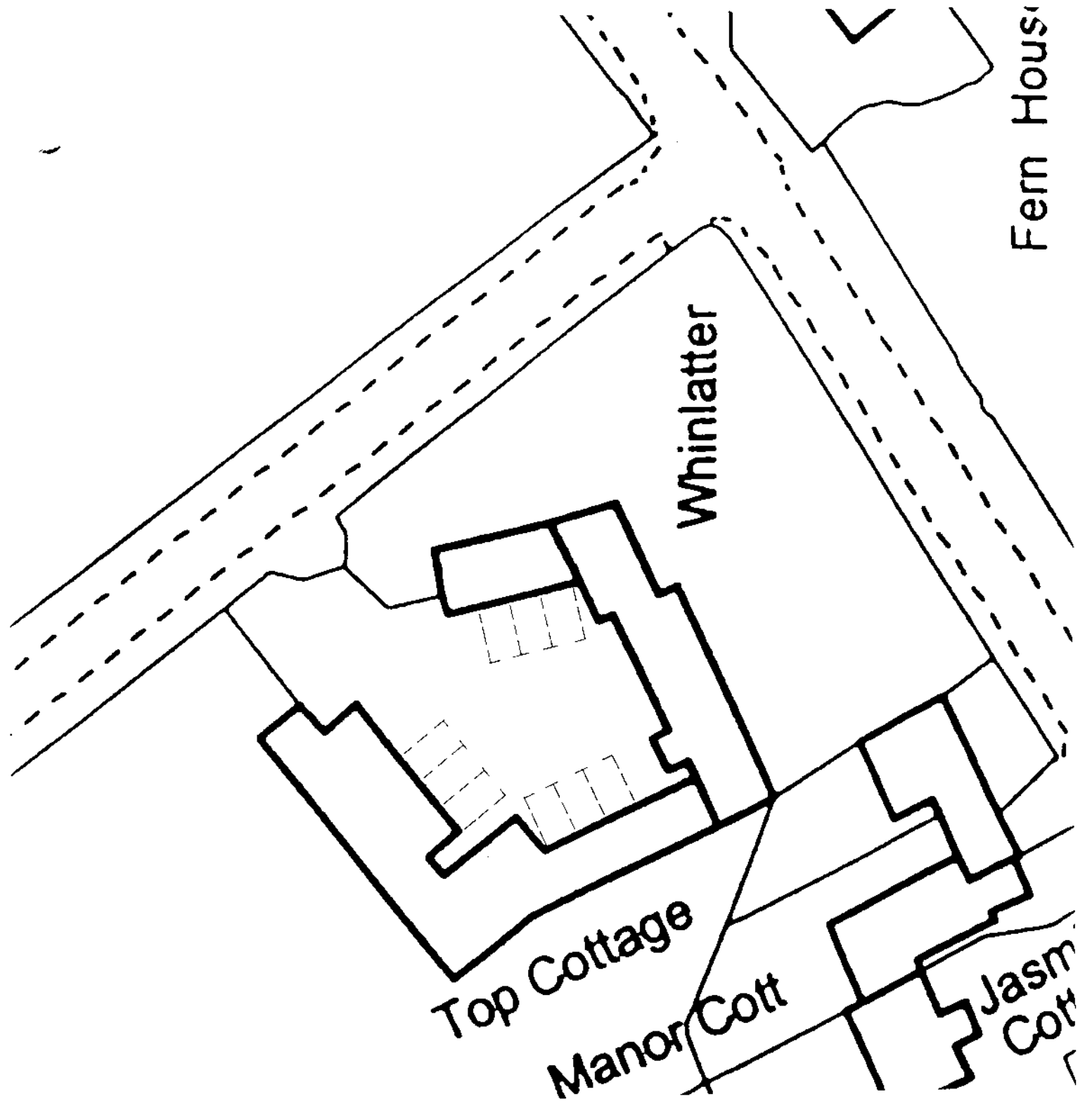
Department of Environment & Development : Planning Services  
 Head of Planning : Alan Eales DipTP MRTPI

This copy has been produced specifically for  
 the Map Return Scheme purposes only.  
 NO FURTHER COPIES MAY BE MADE.  
 © Crown Copyright. Licence Number LA077428

1:2,500

8/8/2001

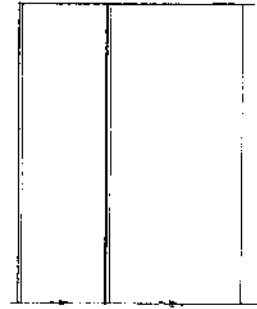




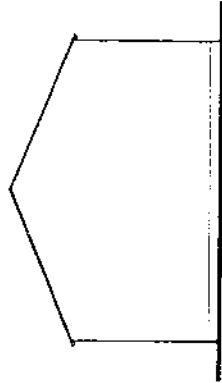
PROPOSED DWELLING  
 LOW COTEHILL FARM.  
 PARKING PROVISION.

Scale: 1-500

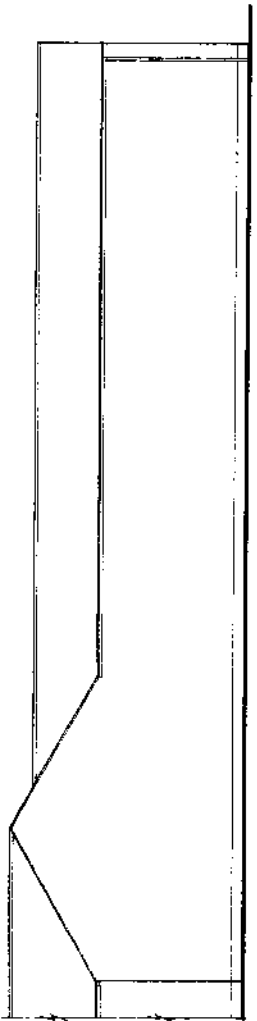
2021/12/13



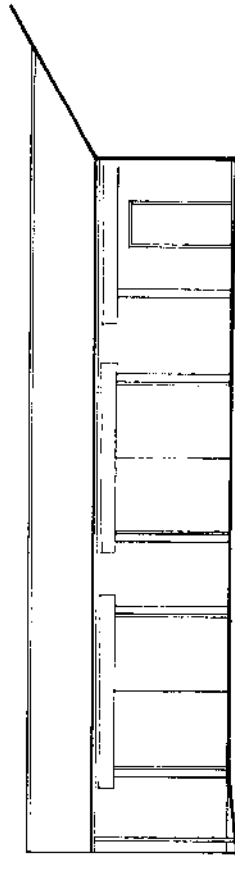
SOUTH ELEVATION



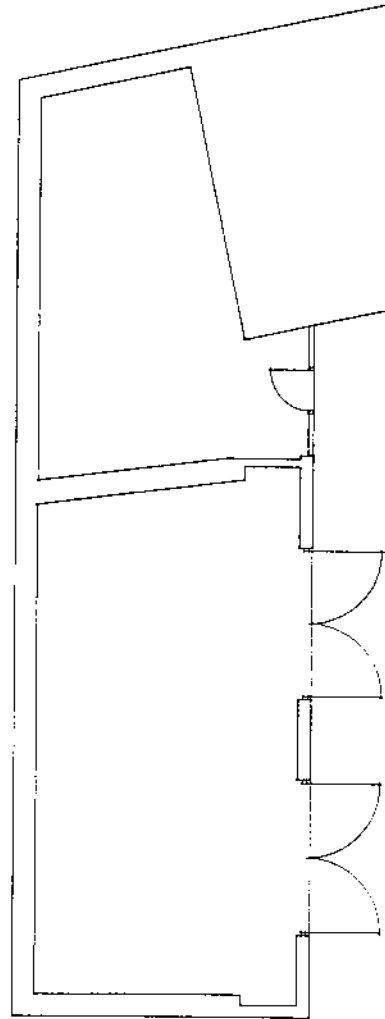
NORTH ELEVATION



EAST ELEVATION



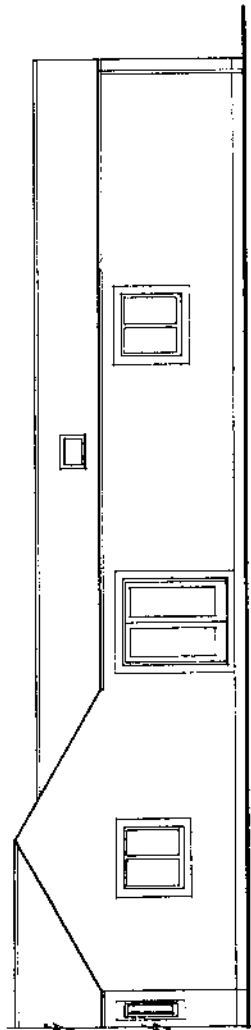
WEST ELEVATION



PLAN

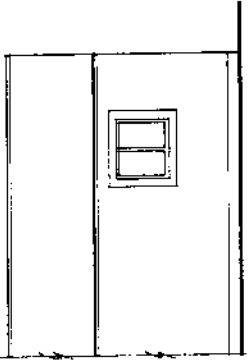
AS EXISTING

1000000000 1000000000 2000/12/23	
PROPOSED DWELLING LOW COTEHILL FARM - COTEHILL	
DIRS. No. 108311	JAMES BRIDGEMAN ARCHITECT/PLANNER, CONSULTANT
SCALE: 1:50	47 SCOTLAND ROAD CARLUIS GABRIEL THE OTHER GABRIEL
DATE: OCT 2002	

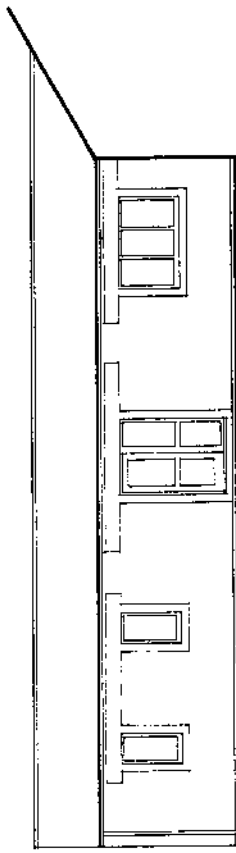


EAST ELEVATION

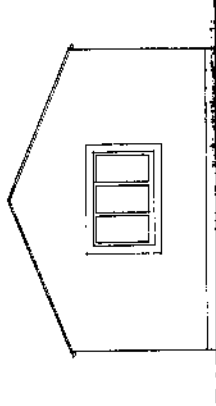
ALL NEW MATERIALS TO MATCH EXISTING DWELLINGS AROUND COURTYARD



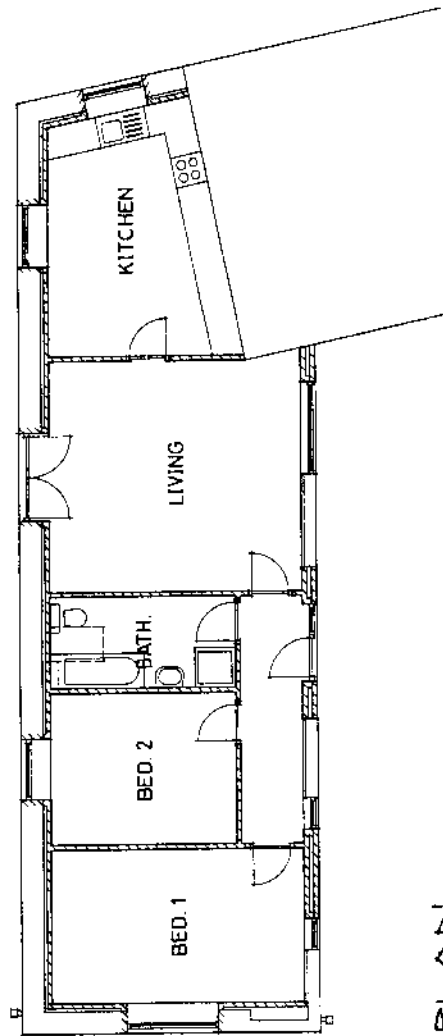
SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION



N  
A  
P  
A

AS PROPOSED

PROPOSED DWELLING LOW COTEHILL FARM - COTEHILL RESERVE 8 JAN 2003	
DRWG. No. 1083/2A SCALE: 1:50 DATE: OCT 2002	ARCHITECTURAL CONSULTANTS 27-32 TULLAGH PARK TULLAGH PARK DUBLIN 16

## SCHEDULE A: Applications with Recommendation

02/1238

---

**Item No: 22**

Date of Committee: 31/01/2003

**Appn Ref No:**

02/1238

**Applicant:**

Mr A M Walton & Mr J D  
King

**Parish:**

Carlisle

**Date of Receipt:**

26/11/2002

**Agent:**

Taylor & Hardy

**Ward:**

Castle

**Location:**

10 - 14 Lowther Street, Carlisle, Cumbria, CA3 8DA

**Grid Reference:**

340260 555788

**Proposal:** Change of use of basement to use classes A3 (Food & Drink) and D2  
(Assembly & Leisure)

**Amendment:**

*Alan*

---

### Report

#### Planning Policies:

#### **Conservation Area**

The proposal relates to land or premises situated within the City Centre Conservation Area.

#### **Listed Building in a Conservation Area**

The proposal relates to a building listed as being of Special Architectural or Historic Interest and which is situated within the City Centre Conservation Area.

#### **Carlisle District Plan**

##### **Environment - Policy E34**

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which adversely affect the listed building will not be permitted.

#### **Carlisle District Plan**

##### **Environment - Policy E36**

The change of use of a listed building will be permitted provided it would not have a detrimental effect on the special architectural and historical interest of the building

## SCHEDULE A: Applications with Recommendation

02/1238

and neighbouring properties.

### **Carlisle District Plan Environment - Policy E40**

Within the City Centre, Botchergate, Brampton, Longtown and Dalston Conservation Areas, there will be a strong presumption in favour of the retention and improvement of key townscape frontage buildings.

### **Carlisle District Plan Shopping - Proposal S15**

Within the Plan area, proposals for uses within Use Class A3 (food and drink, including restaurants, public houses, wine bars and take aways) will be approved provided that:

1. The proposal does not involve disturbance to occupiers of residential property; and
2. The proposal does not involve unacceptable intrusion into open countryside; and
3. The proposal, whether new development or conversion complements surrounding development or the character of the existing building; and
4. Appropriate access and parking can be provided; and
5. Within the City Centre Shopping Area opening hours are restricted to no later than 1.30 am. Here and elsewhere in the Plan area opening hours will be imposed having regard to the surrounding uses, the character of the area and the possibility of disturbance to residential areas.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** no objections;

**Environmental Services:** the applicants will need to contact Environmental Health Officers to discuss legislative requirements relating to Food Safety and Occupational Safety. Care will also need to be taken with regard to the installation and operation of ventilation equipment or other external plant to ensure no undue noise or disturbance is caused to occupiers of nearby premises;

**Cumbria Constabulary - Crime Prevention:** awaited.

### **Summary of Representations:**



## **SCHEDULE A: Applications with Recommendation**

02/1238

The application has been advertised by means of Site and Press Notices and neighbour notification by letter. There have been no representations

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

The premises have been subject of a number of applications over the years, notably a Planning Permission and Listed Building Consent granted in March 1990 for change of use of the basement of the premises to form 7 retail units. In July of the same year two further applications (for PP/LBC) were granted for the change of use of part of the ground floor and first floors to offices.

In April 1991 approval was granted for the variation of the planning condition relating to the office consent to enable use for A2 purposes (Financial and Professional).

In August 1993 a Certificate of Lawfulness was granted for the use of parts of the building as an Auction Room.

#### **Details of Proposal:**

The proposals described above relate to the whole of the basement area of the premises extending through from Lowther Street to Crosby Street.

They seek the internal refurbishment of that space, including the removal of the internal divisions of the current small shop units and the removal of sections of the spine wall running parallel with Lowther Street to enlarge the internal space, and to use the area as a licensed *cafe/bar/restaurant* with associated *dance/disco* facilities.

Similarly, the proposals entail some external re-modelling of the rear elevation onto Crosby Street to effect the creation of a separate entrance to the Auction Room and the upper floor picture framing workshop from that street as well as an entrance to the proposed new basement use. These are shown on the rear elevation details printed after this report.

The submission is supported by a letter from the agents (Taylor & Hardy) that explains the proposals including the applicants' wish that the premises be permitted to trade until 0200 hours as is the case with other City Centre licensed venues.

From a planning point of view, the proposed use is essentially what is increasingly termed a "chameleon use" in that the use changes throughout the day: it serves coffee/tea, etc in the morning, lunchtimes meals/drinks, is an eating/drinking venue

## SCHEDULE A: Applications with Recommendation

02/1238

late afternoon/evening and as the evening progresses becomes an entertainment venue with music/drink until the early hours. Such uses are generally thought to be consistent with a City Centre location and are part of the evening economy in such areas.

The District Local Plan supports investment within the central area and Policy S15 gives guidance on the criteria against which applications for A3 Uses should be judged. It is fair to say that the proposal is not strictly an A3 use but the criteria are helpful in considering the proposal nonetheless.

Members will be aware that there have been a number of premises in the City Centre where applications for extended opening hours have been accepted either as part of planning applications, later mirrored by licensing applications, or through licensing applications made in relation to existing premises (where no approval by the planning authority has been needed).

The premises in question are some distance from any noise sensitive property, are contained within the basement area with limited openings so noise passage beyond the premises should be minimal and are in location near to other related facilities e.g. taxi ranks, bus stops, etc.

It is therefore considered that the use is appropriate.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

There is no apparent conflict with provisions of the Act.

P324 →

---

**Recommendation:** Grant Permission ✓

1. The development shall be begun not later than the expiration of 5 years

## SCHEDULE A: Applications with Recommendation

02/1238

beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The premises shall not be open for trading prior to 0800 hours or remain open for trade later than 0200 hours the following day on Mondays to Saturdays, and on Sundays from not prior to 0800 hours until not later than 1230 hours the following day, other than on those Sundays which precede a Bank Holiday Monday (excluding Easter Monday) where the premises may remain open for trading until 0200 hours.

**Reason:** To prevent disturbance: nearby occupants.

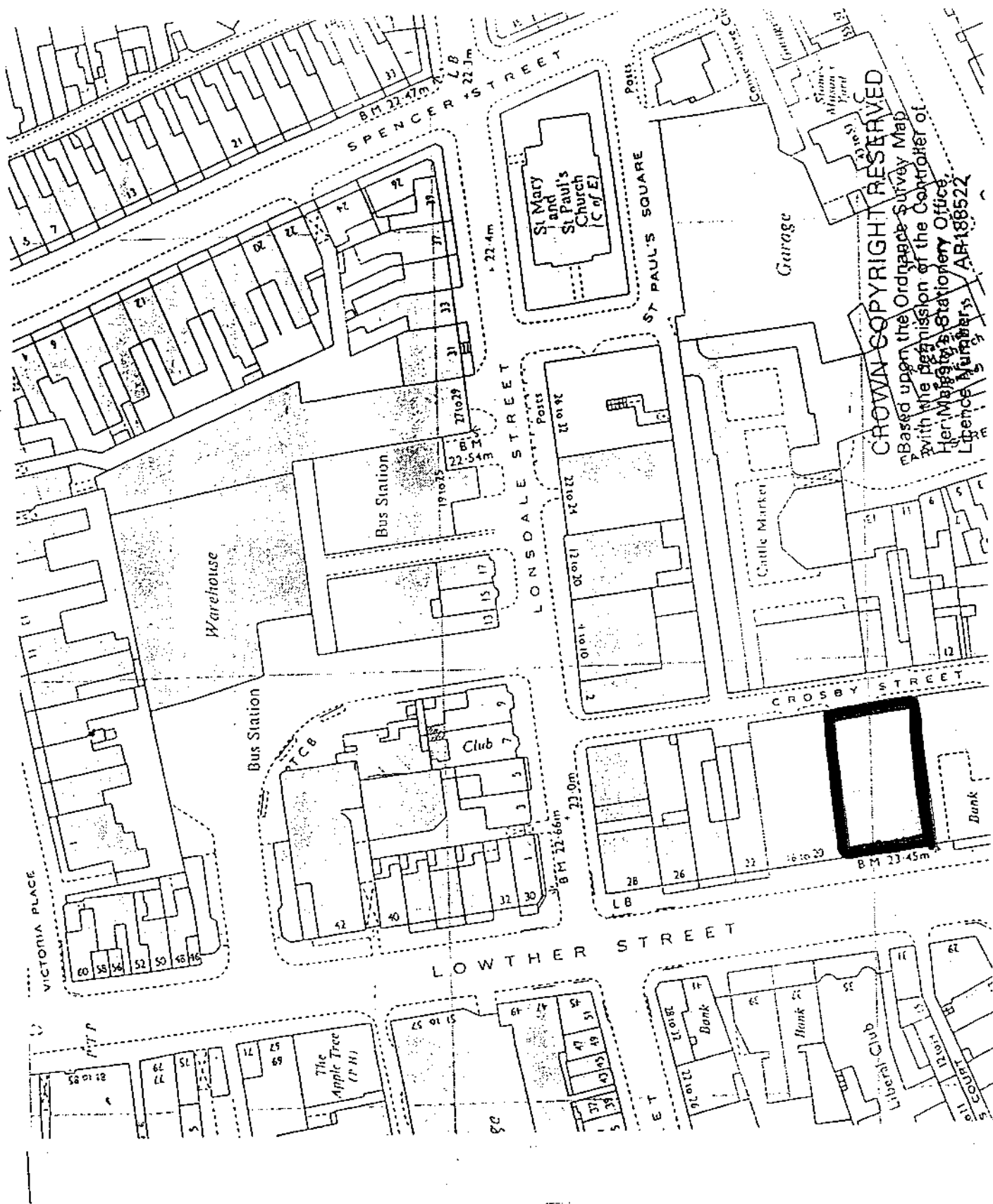
3. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992 no advertisement shall be displayed on the external elevations of the premises (including external railings) without the prior consent in writing of the local planning authority.

**Reason:** To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area.

4. Details of the design, height, external finish and position of any extractor flue(s) shall be submitted to and approved by the local planning authority before any work is commenced.

**Reason:** In order to safeguard the environmental amenities of the area.

---



CROWN COPYRIGHT RESERVED  
 Based upon the Ordnance Survey Map  
 with the permission of the Controller of  
 Her Majesty's Stationery Office  
 Licence Number AR188522

# ARCHITECTS

P L U S

Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria, CA3 8AN  
 Carlisle (0228) 515144    Annan (04612) 5463    Fax Number (0228) 515033

202/1238

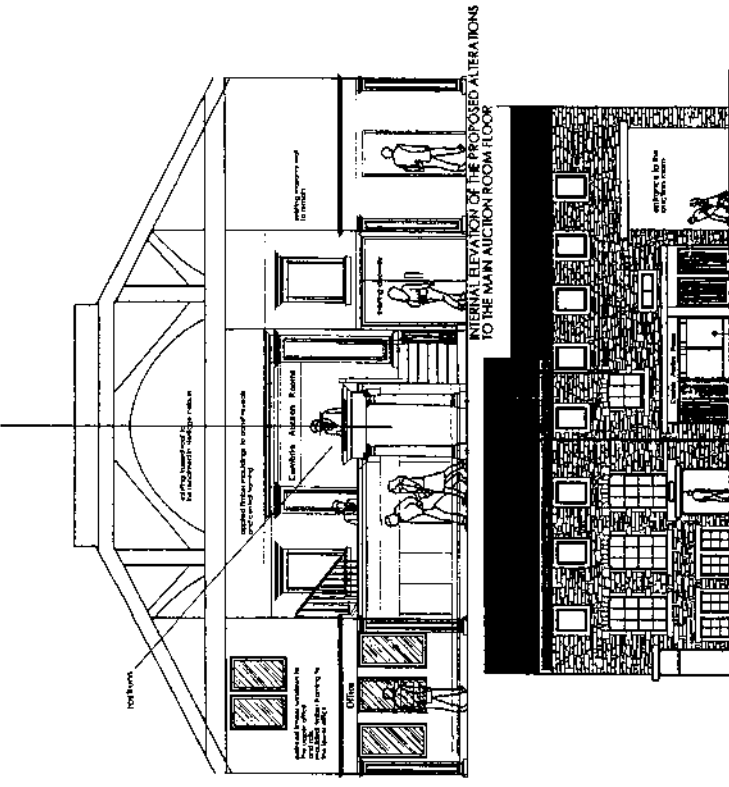
Scale  
**1/1250**

Date  
**1.90**

Drawn

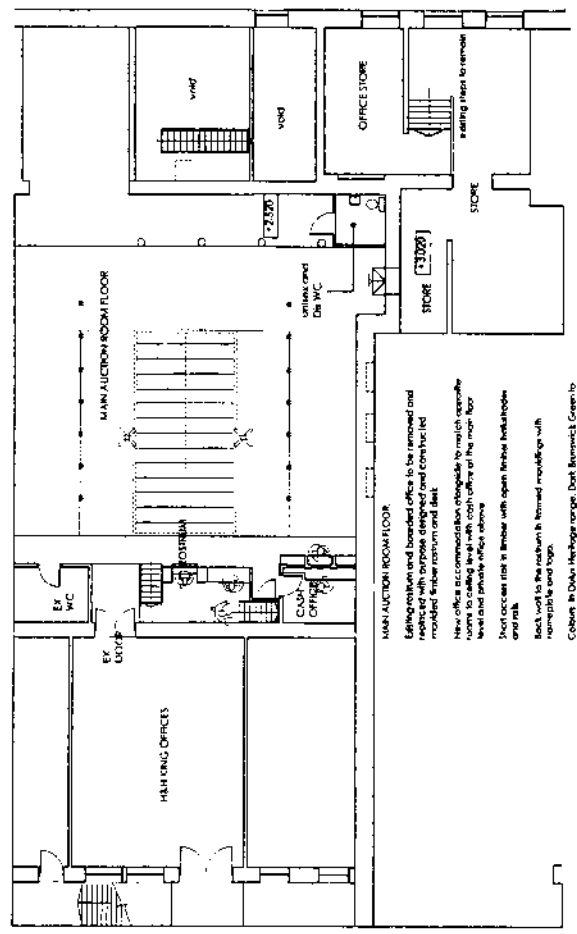
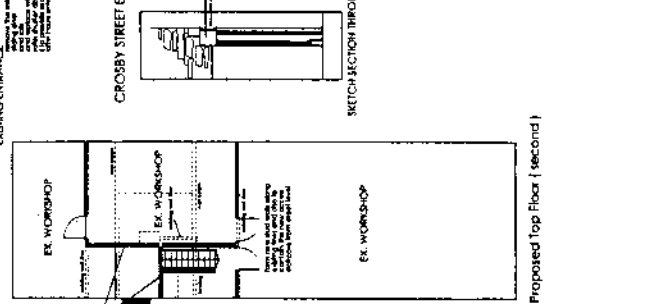
Number  
**89.136.01**

This drawing is copyright. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

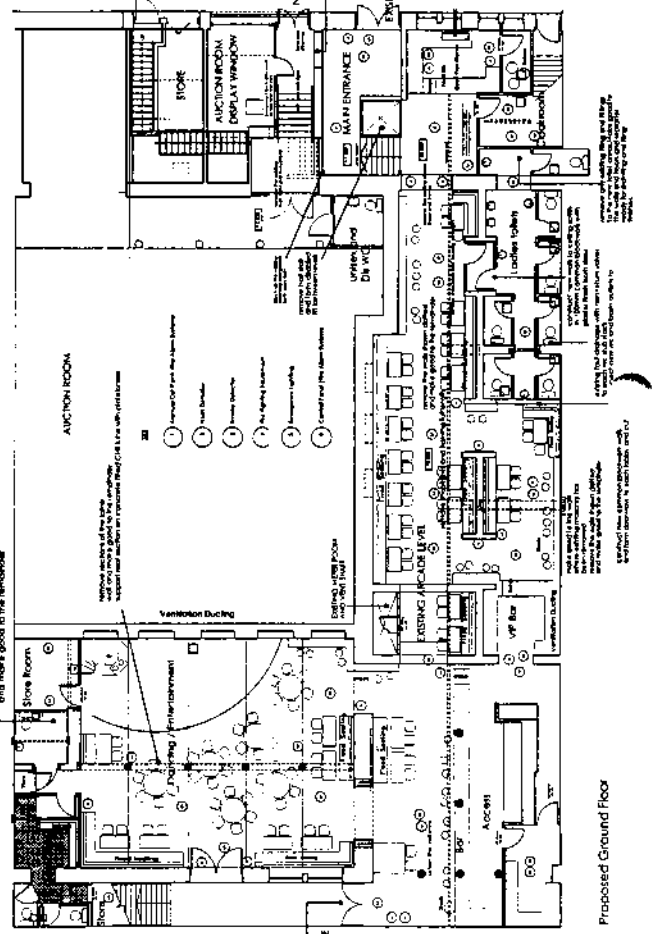


ARCHITECTS  
 10-14 Lower Street, Carleton Place, Ontario, Canada  
 Phone: 519-862-1114 Fax: 519-862-1115  
 Website: www.1014architects.com

Project: Basement and Ancillary Alterations  
 Carleton Auction Rooms  
 10-14 Lower Street, Carleton Place, Ontario, Canada  
 Date: 30.04.02  
 Scale: 1:100



Proposed Upper Ground Floor



Proposed Ground Floor

9 Finkle Street  
Carlisle  
Cumbria CA3 8UU

Tel: (01228) 538886  
Fax: (01228) 810362  
Email: planners@taylorandhardy.co.uk

Taylor & Hardy Limited. Registered in England No. 3977505  
Registered Office: 9 Finkle Street, Carlisle, Cumbria CA3 8UU

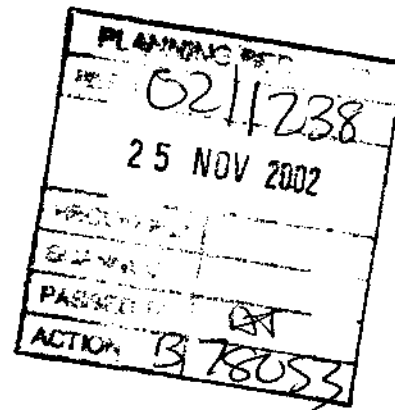
# TAYLOR & HARDY

Chartered Town Planners

Our Ref : MEH/J/C02/172

22<sup>nd</sup> November, 2002

Mr. Alan Taylor,  
Chief Development Control Officer,  
Planning Services Division,  
Department of Environment and  
Development,  
Carlisle City Council,  
Civic Centre,  
CARLISLE.  
CA3 8QG



Dear Alan,

**APPLICATIONS WHICH SEEK  
FULL PLANNING PERMISSION & LISTED BUILDING CONSENT  
FOR THE CHANGE OF USE OF THE BASEMENT TO 10-14 LOWTHER STREET,  
CARLISLE TO USE CLASSES A3 (FOOD & DRINK)  
AND D2 (ASSEMBLY & LEISURE)  
FOR MR. A.M. WALTON & MR. J.D. KING**

Following recent discussions and a site meeting with both yourself, Mr. R. McCoy, Assistant Conservation Officer and my Client, Mr. A.M. Walton, please now find enclosed applications which seek both Full Planning Permission and Listed Building Consent for the change of use of the basement of 10-14 Lowther Street, Carlisle to Use Classes A3 (Food & Drink) and D2 (Assembly and Leisure). The use which is proposed for the basement being a licensed café/bar/restaurant with dance/disco facilities.

The applications comprising the required forms, plans and a cheque for the application fee.

As has been discussed, the applications which are enclosed require consideration under two 'headings.' Firstly, consideration needs to be given to the change of use of the basement and, secondly, the physical alterations which are proposed to the Grade II Listed Building need to be examined. In respect of these aspects I would comment as follows:

**i. Change of Use**

As discussed, the change of use of the basement to 10-14 Lowther Street to Use Classes A3 and D2 falls to be considered against Policies S15 and E36 of the Carlisle District Local Plan. As we are aware, Policy S15 states that:

***"Within the Plan area, proposals for uses within Use Class A3 (food and drink, including restaurants, public houses, wine bars and take aways) will be approved provided that: ..."***

the proposal meets the 5 stated criteria.

As agreed, the submitted proposal is considered to satisfy the stated criteria as:

- (a) the subject property is some distance from the closest residential properties. The issue of disturbance to the occupants of surrounding residential property, therefore, ought not to arise (criterion 1);
- (b) the proposal, in its City Centre location, will not involve any intrusion into open countryside (criterion 2);
- (c) the proposal will complement the surrounding development and the character of the existing building. This view is taken for reasons relating to the nature of the proposed use, the proposed scheme of conversion, the premises subject of the application and their location in the City Centre where the neighbouring land uses are commercial and leisure;
- (d) the access arrangements are considered to be appropriate bearing in mind the property's location, the use which is proposed and those which are presently permitted (criterion 4);
- (e) in respect of the enclosed application a restriction on the opening time of 2.00 a.m. is requested. I recall that, dependent on your further views and those of the Environmental Health Officers the 2.00 a.m. closing time, due to the location of and surroundings to the subject property, is likely to be considered appropriate (criterion 5).

Policy E36 relates to the change of use of Listed Buildings and states that:

***"The change of use of a listed building will be permitted provided it would not have a detrimental effect on the special architectural and historical interest of the building and neighbouring properties."***

Due to the precise nature and detail of the submitted proposal, which is to secure a new use for an arcade of partially vacant units in Class A1 and A3 uses, it is considered that the proposal will not have a detrimental effect on the historic interest of the building and neighbouring properties.

ii. **Physical Alterations**

The physical alterations which are required to 10-14 Lowther Street to allow for the change of use which is proposed are detailed on the plans which are enclosed. The extent and detail of the alterations having been given careful consideration by both my Clients and their Architects, Architects Plus.

You will note that physical alterations are proposed both to the basement itself and, as the basement is to become a self-contained unit, at ground and upper floor levels to provide the Auction Room with a separate access to Crosby Street and a self contained access at the Crosby Street end of the premises for the occupiers of the workshop at first floor level (presently Edwin Talbot Picture Framers).

The physical alterations which are proposed fall to be considered against Policy E34 '*Alterations to Listed Buildings*' and Policy E35 '*Proposals Affecting Listed Buildings*'.

It is considered that the works which are proposed "***... have regard to the scale, proportions, character and detailing of the existing building ...***" (Policy E34) and do not "***... adversely affect ...***" the "***... listed building or its setting ...***" and are "***... sympathetic in scale, character and materials ...***" (Policy E35).

In addition as discussed, visual improvements to the Listed Building will arise from the proposal as, if the consents which are sought are secured and implemented, the signage related to existing occupiers of the arcade units will be removed. Any signage related to the proposed change of use will be subject of a separate application.

In light of the pre-application discussions, the enclosed and the above I trust you find the enclosed applications to be acceptable. If, however, you have any queries or concerns please do contact me.

Yours sincerely,



**MARGARET HARDY**



## SCHEDULE A: Applications with Recommendation

02/1242

---

**Item No: 23**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1242

**Applicant:**  
Mr A M Walton & Mr J D  
King

**Parish:**  
Carlisle

**Date of Receipt:**  
26/11/2002

**Agent:**  
Taylor & Hardy

**Ward:**  
Castle

**Location:**  
10 - 14 Lowther Street, Carlisle, Cumbria, CA3 8DA

**Grid Reference:**  
340260 555788

**Proposal:** Alterations to facilitate the change of use of the basement to use classes A3 (Food & Drink) and D2 (Assembly & Leisure) (LBC)

**Amendment:**

*Alan*

---

### Report

#### Planning Policies:

#### **Conservation Area**

The proposal relates to land or premises situated within the City Centre Conservation Area.

#### **Listed Building in a Conservation Area**

The proposal relates to a building listed as being of Special Architectural or Historic Interest and which is situated within the City Centre Conservation Area.

#### Summary of Consultation Responses:

**Cumbria County Council - (Highway Authority):** no objections;

**Planning Services - Conservation:** no objections but advise that proposals should be considered by CAAC.

#### Summary of Representations:

Site and Press Notices have been displayed and neighbours informed by letter: there are no representations.

## **SCHEDULE A: Applications with Recommendation**

02/1242

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

The premises have been subject of a number of applications over the years, notably a Planning Permission and Listed Building Consent granted in March 1990 for change of use of the basement of the premises to form 7 retail units. In July of the same year two further applications (for PP/LBC) were granted for the change of use of part of the ground floor and first floors to offices.

In April 1991 approval was granted for the variation of the planning condition relating to the office consent to enable use for A2 purposes (Financial and Professional).

In August 1993 a Certificate of Lawfulness was granted for the use of parts of the building as an Auction Room.

#### **Details of Proposal:**

This application seeks the related Listed Building Consent for the alterations to the building that are consequential to the application for planning permission which appears elsewhere in the Schedule (App. No. 02/1238).

The basic alterations involve the removal of internal divisions that sub-divide the basement area together with sections of a brick wall that runs parallel to Lowther Street and external alterations to the rear elevation onto Crosby Street.

The proposals are considered to be in keeping with the character and fabric of the Listed Building.

---

#### **Human Rights Act 1998:**

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

## SCHEDULE A: Applications with Recommendation

02/1242

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

There is no conflict with the Act.

---

**Recommendation:** Grant Permission ✓

1. The works shall be begun not later than the expiration of 5 years beginning with the date of the grant of this consent.

**Reason:** In accordance with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

---

## SCHEDULE A: Applications with Recommendation

02/1254

---

**Item No: 24**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1254

**Applicant:**  
Acrefield Investments Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
27/11/2002

**Agent:**  
Architects Plus

**Ward:**  
Currock

**Location:**  
10-16 Botchergate, Carlisle, CA1 1QS

**Grid Reference:**  
340335 55555

**Proposal:** Variation of condition 6 of Planning Permission Ref No 2002/0853 to allow extension of opening hours from 23.30 to 02.00 hours

**Amendment:**

---

### Report

#### Planning Policies:

##### **Conservation Area**

The proposal relates to land or premises situated within the Botchergate Conservation Area.

##### **Cumbria & Lake District Joint Structure Plan Policy 6**

The City of Carlisle's sub-regional role as a centre of business, commerce, shopping and tourism will be fostered by the modest acceleration of past rates of development.

##### **Cumbria & Lake District Joint Structure Plan Policy 25**

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

##### **Cumbria & Lake District Joint Structure Plan Policy 26**

Development and other land use changes which fail to preserve or enhance the

## **SCHEDULE A: Applications with Recommendation**

02/1254

character or appearance of Conservation Areas or which damage, obscure or remove important archaeological sites or other historic features, or are detrimental to the character or setting of a Listed Building or Ancient Monument will not normally be permitted.

### **Cumbria & Lake District Joint Structure Plan Policy 45**

The long-term viability and vitality of the major town centres of Carlisle, Workington, Whitehaven, Barrow-in-Furness, Kendal and Penrith will be secured through the promotion and favourable consideration of proposals:

- i for new and redeveloped shopping floor space, especially for comparison durable goods,
- ii for new professional, finance, leisure and tourism services and facilities,
- iii which create a safer and more attractive environment where pedestrians and cyclists have priority,
- iv which improve access by public transport, provide delivery facilities and appropriate car parking, and
- v which enhance the appearance and distinctive character of the centre.

### **Carlisle District Plan Environment - Policy E40**

Within the City Centre, Botchergate, Brampton, Longtown and Dalston Conservation Areas, there will be a strong presumption in favour of the retention and improvement of key townscape frontage buildings.

### **Carlisle District Plan Environment - Policy E43**

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

### **Carlisle District Plan Shopping - Proposal S15**

## **SCHEDULE A: Applications with Recommendation**

02/1254

Within the Plan area, proposals for uses within Use Class A3 (food and drink, including restaurants, public houses, wine bars and take aways) will be approved provided that:

1. The proposal does not involve disturbance to occupiers of residential property; and
2. The proposal does not involve unacceptable intrusion into open countryside; and
3. The proposal, whether new development or conversion complements surrounding development or the character of the existing building; and
4. Appropriate access and parking can be provided; and
5. Within the City Centre Shopping Area opening hours are restricted to no later than 1.30 am. Here and elsewhere in the Plan area opening hours will be imposed having regard to the surrounding uses, the character of the area and the possibility of disturbance to residential areas.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** no objections;

**Planning Services - Conservation:** no observations to make;

**Environmental Services:** providing the overall limits, set down in the acoustic audit report that has been produced following a site noise survey, are achieved there is no objection to the application. If permission is given it should be conditional that all points in the Spectrum Acoustic Audit Report are implemented.

### **Summary of Representations:**

Site and Press Notices have been displayed and letters sent to the occupiers of 6 properties in the area. There have been no representations.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

This application relates to a group of predominantly shop premises whose last, or current, occupiers were respectively the Fireworks Factory (formerly J S Hope); Cuttin' Costs; the Railway Cafe; Woofs; and Imagination Station.

In 1999 planning permission was granted for a scheme of partial demolition/ redevelopment and alterations to form two A3 Units. A variation of that consent was approved in November 2002.

### Details of Proposal:

Members may recall that Planning Permission was granted in 1999 for the retention/partial demolition and redevelopment of the group of buildings at the top end of Botchergate (west side) to provide 4 units, two expected to be used for retail purposes and two expected to be used for A3 purposes.

A subsequent revised application, varying the details of the scheme and reducing its floorspace but also relating solely to a single user A3 use was approved in October of last year.

Both the original approval and the October 2002 permission incorporated a condition that restricted the hours of trading of the proposed A3 use to permit trading only between 0800 hours and 23.30 hours, that restriction being in line with the provisions of Policy S15 of the District Local Plan. Moreover, the condition reflected the presence in the locality of hotel premises at Court Square and on Botchergate itself.

Following the October approval the applicants now formally request the variation of that condition so that they may be permitted to trade until 0200 hours in common with other licensed premises in the Botchergate area.

The application is supported by an Acoustic Report prepared by Spectrum Acoustic Consultants on behalf of the proposed tenant within which are set out their recommended measures to ensure that the fit out works for the building provides protection from the future passage of noise from the proposed licensed premises to the general area. That Report is printed in full for Members' benefit.

The Acoustic Report has been referred to the Council's Environmental Services unit for assessment and their response indicates no objection to the proposal subject to the recommendations contained therein being fully implemented. Those predominantly relate to the specification for doors, windows, and noise limiting measures to control music volumes. The architects for the development confirm that their client will undertake all of those works.

Additionally, the Consultants advise on the siting of mechanical and electrical plant and equipment but the precise details of these will only become apparent at the fit-out stage of the development and a further specification will be issued.

Given these measures, their acceptability to Environmental Health Officers, and the lack of objection to the application from any of the nearby premises it is considered that approval to the variation can be given.

---

## Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

Members will wish to consider whether the proposed extended trading hours sought are likely to have an adverse impact upon any adjacent or nearby occupiers such as to impinge upon the provisions of the Act i.e. does it prejudice the "peaceful enjoyment" of those persons.

1338 →

---

## Recommendation: Grant Permission ✓

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. Detailed plans and particulars of the proposed shopfronts to be installed shall be submitted to and approved by the local planning authority and these shall include detailed specifications of the intended finishes (including colour) together with vertical and horizontal sections indicating the profile of all mouldings, transoms, mullions, pilasters, cills, fascias, cornices and any other relevant details.

**Reason:** To ensure the works harmonise as closely as possible with the existing building.

3. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a



## SCHEDULE A: Applications with Recommendation

02/1254

programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

**Reason:** To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination and recording of such remains.

4. Notwithstanding the provisions of the ~~T~~own and Country Planning (Control of Advertisements) Regulations 1992 no advertisement shall be displayed on the premises without prior consent in writing of the local planning authority.

**Reason:** To ensure that the proposed development is undertaken in a manner which safeguards the visual amenities of the area.

5. This permission relates to the use of the premises for purposes falling within Class A3 (Food & Drink) of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any Statutory Instrument revoking and re-enacting that Order.

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality.

6. The premises shall not be open for trading prior to 0800 hours or remain open for trade later than 0200 hours the following day on Mondays to Saturdays, and on Sundays from not prior to 0800 hours until not later than 1230 hours the following day, other than on those Sundays which precede a Bank Holiday Monday (excluding Easter Monday) where the premises may remain open for trading until 0200 hours.

**Reason:** To prevent disturbance: nearby occupants.

7. All new external stonework shall be carried out in coursed natural stone which shall, in type and in the manner in which it is laid, match that of the existing building to the satisfaction of the local planning authority.

**Reason:** To ensure the works harmonise as closely as possible with the existing building.

9. Prior to the commencement of any scheme of fitting out of the premises there shall be submitted to, and approved in writing by, the Local Planning Authority a scheme for the proposed siting, screening and related measures to secure attenuation of noise from, all mechanical and electrical plant and equipment including air intake/extract ducting, ventilation equipment, kitchen extraction plant that is proposed to be sited within or on the roof areas of the premises.

**Reason:** to minimise the risk of noise nuisance to adjacent and nearby occupiers.

10. The recommendations to deal with potential risk of noise passage from the

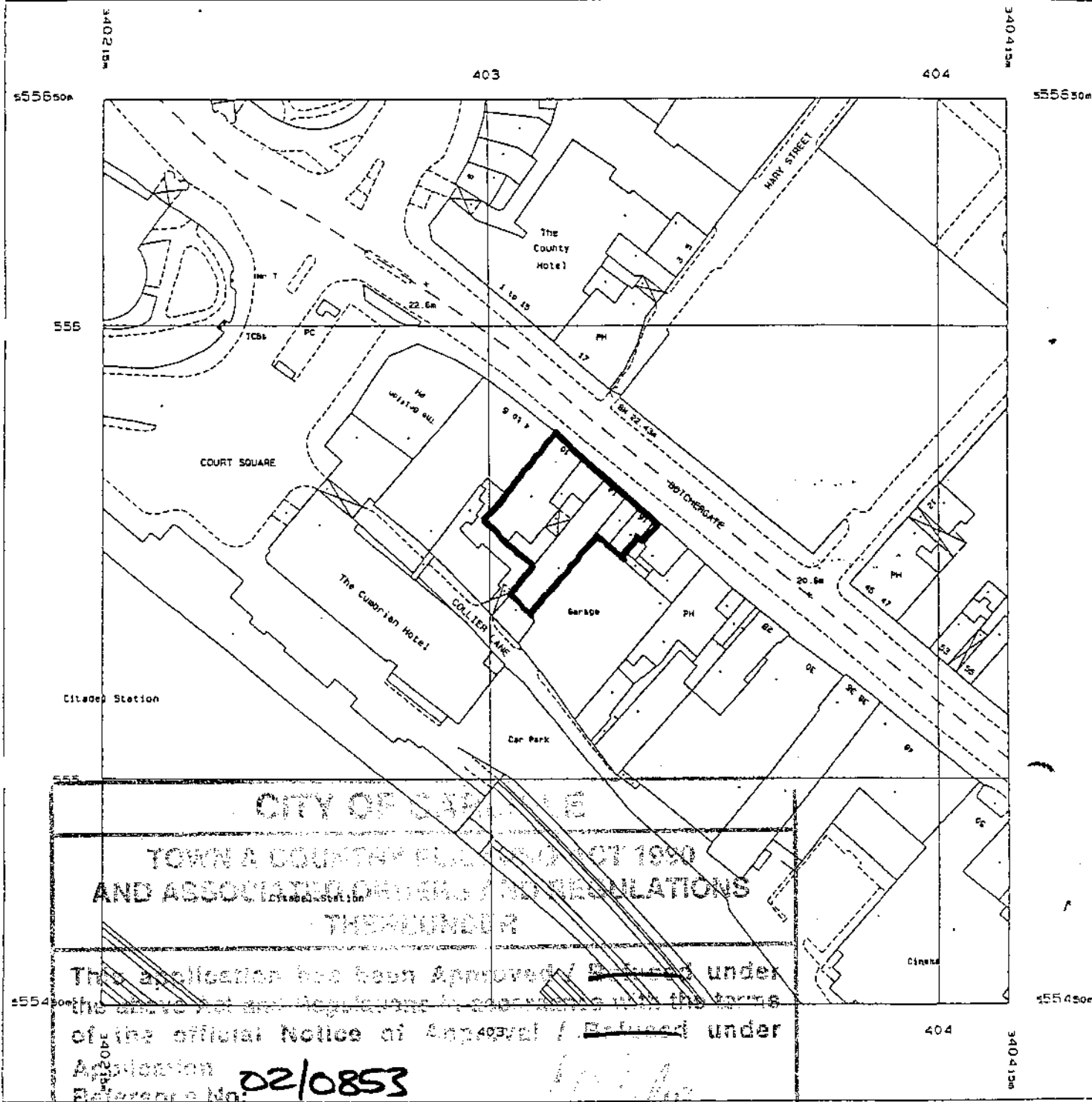
## SCHEDULE A: Applications with Recommendation

02/1254

proposed use, as set out in Para 3.3 of the Acoustic Report prepared by Spectrum Acoustic Consultants Ltd (Reference 22213), shall be carried out in full and be completed before the premises are brought into use.

**Reason:** in the interests of amenity and to minimise the risk of noise nuisance to adjacent and nearby occupiers.

---



Date: **31 OCT 2002**

Head of Planning **ALG**

Produced 24 Jan 2002 from Ordnance Survey digital data and incorporating surveyed revision available at this date. © Crown Copyright 2002.

**6 AUG 2002**

Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey.

**2002/0853**

Ordnance Survey, the OS symbol and Superplan are registered trade marks of Ordnance Survey, the national mapping agency of Great Britain.

Scale 1: 1250

National Grid sheet reference at centre of this Superplan: NY4055NW

The representation of a road, track or path is no evidence of a right of way.

# FIRST CONSULTANTS SITE MEETING ACOUSTIC AUDIT REPORT

Sheet 1 of 3

**J D Wetherspoon Site** 10 - 16 Botchergate, Carlisle  
**Pub Number** 4365  
**Architect's Scheme Ref No.** JD145  
**Date of Site Noise Survey** 26 June 2002  
**Spectrum ref no.** 22213  
**Audit carried out by** Peter Jackson

## 1. LOCAL AUTHORITY NOISE POLICY

Carlisle Local Authority accepts BS 8233:1999 internal noise targets, however, reserve the right to impose additional requirements on an individual application basis.



## 2. NOISE LIMITS FOR COMPLETE PLANT

The noise from all mechanical plant running simultaneously and at its maximum duty shall not exceed the limits of the table below.

Noise sensitive location at which limits apply	Overall limit during pub operating hours (LAeq)	Overall limit through the night (LAeq)
County Hotel and CA1 1 <sup>st</sup> & 2 <sup>nd</sup> floor flats in Botchergate, opposite the JDW site.	40	35
Rear bedrooms to the Lakes Court hotel, overlooking rear of site in Collier Lane	40	35

## 3. MAIN ACOUSTIC ISSUES AND RECOMMENDATIONS

- The development building is positioned on a busy town centre road, however, there is a relatively high degree of noise sensitivity for a Lloyds No 1 development due to the presence of large Hotel buildings close by both to the front (County Hotel) and rear (Lakes Court Hotel). There are also occupied flats in the CA1 building opposite the JDW site in Botchergate.
- Any changes, modifications, or rebuild, associated with the developers building should take account of the need to reduce noise transmission to the outside (façade insulation), to adjoining buildings in Botchergate (acoustic separation of party walls), or to upper floors of the premises outside the JDW demise (acoustic insulation of separating floors). The developer should provide proposed detail of structural design for maintaining a good standard of noise insulation for the building.
- A good standard of insulation for the front and rear façades of the public house section of the building may be maintained by giving consideration to the following design advice
  - Entrance doors to be provided with a lobby and two sets of doors so that one set of doors may be closed at all times.

W2857/PJ22213

# FIRST CONSULTANTS SITE MEETING ACOUSTIC AUDIT REPORT

Sheet 2 of 3

- All windows, in the front façade of the premises (including glazing in doors), to be fitted with high performance specification double-glazing of performance Rw 36dB. Consultation with Pilkington Glass test information would indicate that glazing configuration options of 10/12/4 mm, or 6/12/7 mm (using Pilkington laminate) would meet the stated single figure noise insulation ratings. The configuration is outer glass width / air gap width / inner glass width.
- All doors and openable windows to be provided with compression seals to the respective frame and threshold (in the case of doors).
- Whilst summer opening doors may be considered for daytime and early evening use, when background levels are highest, these would clearly compromise the insulation of the façade, for later evening requirements. The doors and any associated glazing would need to meet the above specification detail so that good insulation performance was achieved when the doors are closed.
- Provision of an electronic noise-limiting device would be advised to allow the manager to control music volumes to suit the sensitivity of the operating period.



## 4. AGREED LOCATION OF EXTERNAL M AND E EQUIPMENT

It is understood that the main mechanical plant will preferably be sited to the rear of the building, on a newly constructed flat roof to the centre of the building.

The upper rear floors of the Lakes Court Hotel overlook Collier Lane and the rear of the JDW site, at an elevated position.

Whilst there was noise from the Hotel kitchen extraction plant, which produced noise levels in Collier lane of 45dB(A), these units were turned off at around 2300 and noise levels fall to between 35 - 40dB(A) to the rear of the JDW site.

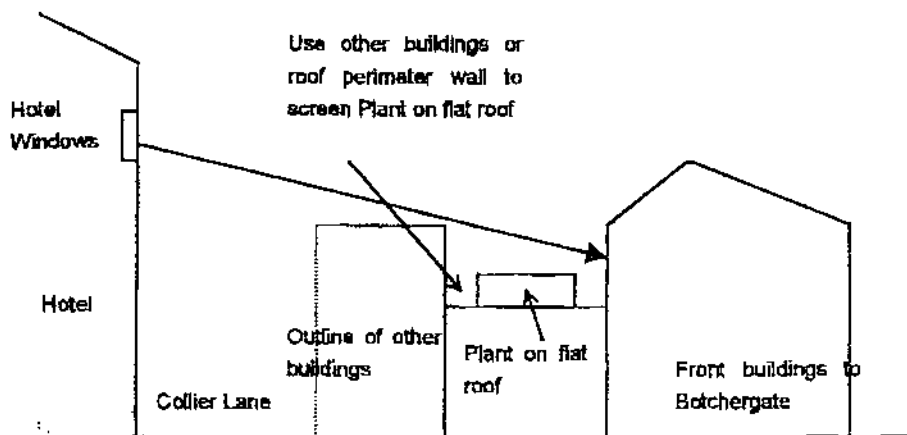
To protect the Hotel accommodation from plant related noise, and meet the suggested noise targets, the main items of external plant will need to be effectively screened from the line of sight to Hotel windows. This may prove difficult due to the much more elevated position of the Hotel rooms.

When developing, or siting the plant area the developer should give consideration to maximising screening benefit potentially available from other non-occupied buildings and for provision of plant roof perimeter wall screening to occlude the line of sight to occupied room windows.

An example of maximising screening benefit by use of buildings and perimeter walls is shown in the sketch overleaf.

W28671PJ22213

# FIRST CONSULTANTS SITE MEETING ACOUSTIC AUDIT REPORT



Once all the plant locations and any louvered building penetrations are essentially fixed, the formal mechanical services equipment noise specification will be issued.

## DISTRIBUTION

Architect: Kay Brannon, Harrison Ince  
 Mechanical Consultant: Mark Duncanson, Portscene  
 Development Manager: Alistair Broome, J D Wetherspoon

202/1254

W2867/PJ22213

## SCHEDULE A: Applications with Recommendation

02/1261

---

**Item No: 25**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1261

**Applicant:**  
Mrs H Y J Kwok

**Parish:**  
Carlisle

**Date of Receipt:**  
29/11/2002

**Agent:**

**Ward:**  
Castle

**Location:**  
49-53 Blackfriars Street, Carlisle

**Grid Reference:**  
340106 555753

**Proposal:** Variation of condition 2 of Planning Application Ref 2002/0978 to allow the fast food takeaway and restaurant to trade on weekdays and Saturday from 9.00 to 23.00, Sunday from 9.00 to 22.30 and statutory holidays from 9.00 to 22.30

**Amendment:**

*Revised*

---

### Report

#### Planning Policies:

##### **Conservation Area**

The proposal relates to land or premises situated within the City Centre Conservation Area.

##### **Carlisle District Plan Environment - Policy E43**

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

##### **Carlisle District Plan Shopping - Proposal S15**

Within the Plan area, proposals for uses within Use Class A3 (food and drink, including restaurants, public houses, wine bars and take aways) will be approved provided that:

1. The proposal does not involve disturbance to occupiers of residential property;

## **SCHEDULE A: Applications with Recommendation**

02/1261

and

2. The proposal does not involve unacceptable intrusion into open countryside; and
3. The proposal, whether new development or conversion complements surrounding development or the character of the existing building; and
4. Appropriate access and parking can be provided; and
5. Within the City Centre Shopping Area opening hours are restricted to no later than 1.30 am. Here and elsewhere in the Plan area opening hours will be imposed having regard to the surrounding uses, the character of the area and the possibility of disturbance to residential areas.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** No objection.

**Environmental Services:** No objection.

**Cumbria Constabulary - Crime Prevention:** Comments awaited.

### **Summary of Representations:**

This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of eight neighbouring properties. At the time of writing this report, one letter of objection has been submitted on behalf of a manager of a neighbouring business. The letter lodges an objection to the proposal and states that a further letter detailing the issues will be submitted at a later date. The author of this letter has indicated that the main issues of objection are:

1. The nature of the use in this location;
2. An increase in traffic congestion;
3. Difficulty in receiving deliveries; and
4. Vehicles manoeuvring within the street.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

Advertisement consent was refused in 1978 for the erection of an illuminated projecting sign.

Planning permission was granted for a change of use from a vacant shop (A1) to fast food takeaway and restaurant (A3) and installation of cookerhood and chimney



## SCHEDULE A: Applications with Recommendation

02/1261

with first floor flat above, on 15 November 2002, under reference 02/0978.

### Details of Proposal:

This application seeks full planning permission for the change of use of the building at 49 - 53 Blackfriar's Street, Carlisle. The site is located on a small side street leading to the rear of the Crown and Mitre Hotel. The premises is situated opposite the rear entrance to the Tesco store and is within the City Centre Conservation Area.

The application seeks permission for a variation of condition number 2 attached to planning permission 02/0978 to allow a variation in the proposed opening hours. The condition states:

"The premises hereby permitted shall not commence trading before 1200 hours or remain open for business after 2300 hours on weekdays and Saturdays; or before 1700 hours and remain open for business after 2230 hours on Sundays and shall not trade at any time on statutory holidays."

The reason give states:

"To prevent disturbance: nearby occupants."

The applicant currently proposes to trade between the hours of 0900 until 2300 hours Mondays to Saturdays and 0900 until 2230 hours on Sundays and statutory holidays.

In consideration of this planning application Policy S15 of the Local Plan is most relevant. Within the Plan area, proposals for restaurants and take aways will be approved provided that the proposal does not involve disturbance to occupiers of residential property.

Within the City Centre Shopping Area opening hours are restricted to no later than 1.30 am. Here and elsewhere in the Plan area opening hours will be imposed having regard to the surrounding uses, the character of the area and the possibility of disturbance to residential areas. There are no residential properties in the vicinity. However, the Central Plaza and the Crown and Mitre Hotels are close to the application site but it is not considered that any residents would be adversely affected should permission be granted. It is important to note in the consideration of this application, that the proposal involves the premises opening earlier and on statutory holidays, rather than later in the evening.

Although the site is within the City Centre Conservation Area, no alterations are proposed to the frontage of the building. In this regard, it is not considered that there is any conflict with the policy objectives of Policy E43.

The issues which have been identified by the objector essentially relate to the principle of development and highway issues. These have already been considered and established when Members granted planning permission for the change of use at an earlier meeting of this Committee. It is not considered that any new planning

## SCHEDULE A: Applications with Recommendation

02/1261

objections have been raised which are relevant to the current application to vary the opening hours which, in itself, does not conflict with the policy objectives of the local plan.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

6344

---

### Recommendation: Grant Permission



1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. The premises hereby permitted shall not commence trading before 0900 hours or remain open for business after 2300 hours on weekdays and Saturdays; or before 0900 hours and remain open for business after 2230 hours on Sundays and statutory holidays.

**Reason:** To prevent disturbance: nearby occupants.

3. The premises shall be used for a hot food takeaway and restaurant and for no other purpose including any other purpose in Class A3 of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting

## SCHEDULE A: Applications with Recommendation

02/1261

that Order.

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality.

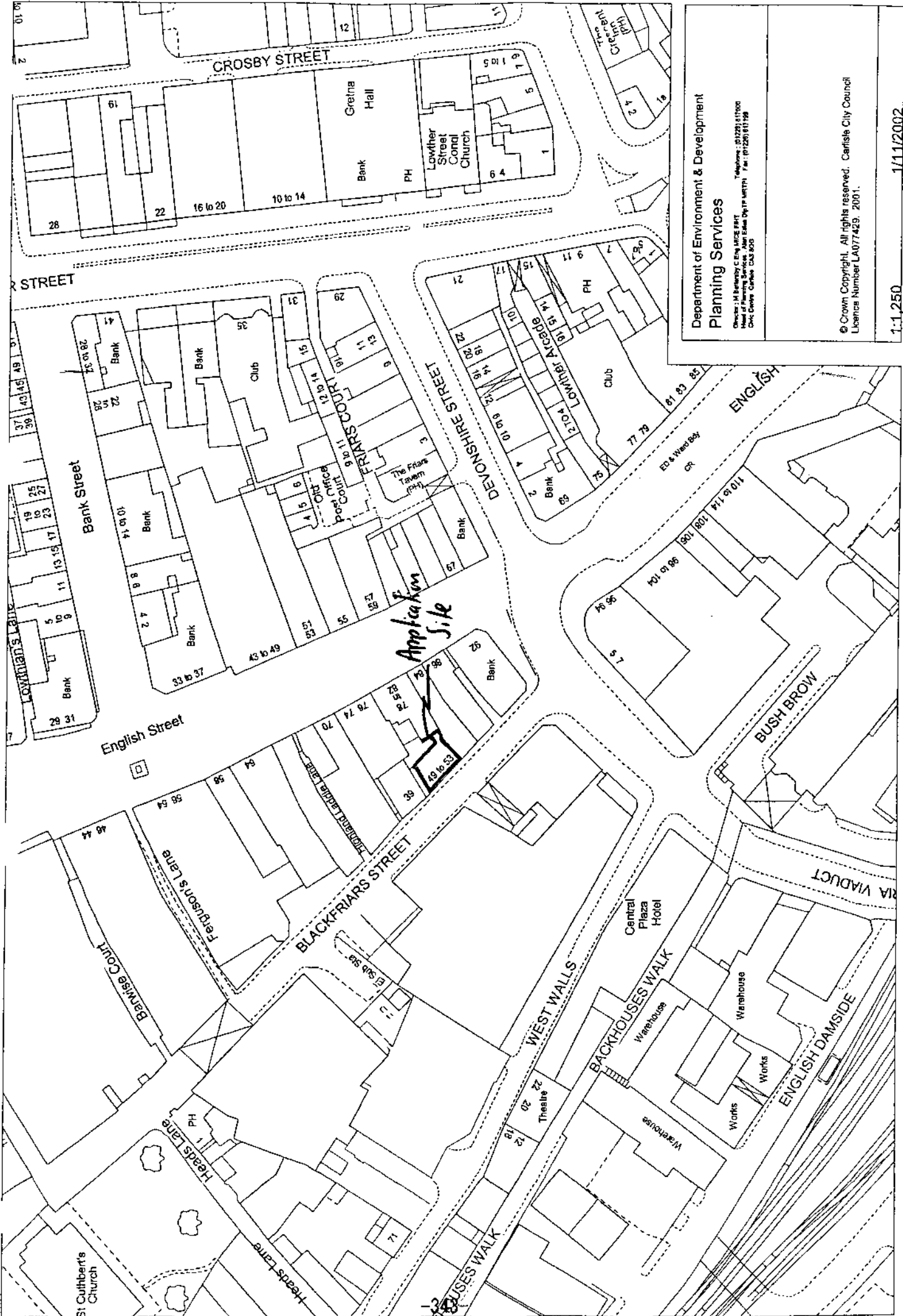
4. Details of the design, height, external finish and position of the extractor flue shall be submitted to and approved by the local planning authority before any work is commenced.

**Reason:** In order to safeguard the environmental amenities of the area.

5. The first floor residential accommodation above the hot food takeaway and restaurant approved by this permission, shall be occupied only by the applicant or an employee of the business and by no other person.

**Reason:** In order to preclude any detrimental effect the business may have on the amenity of residents.

---



Department of Environment & Development  
 Planning Services

Director: M. Bealby C Eng LICE BHIT Telephone: 01228 517000  
 Head of Planning Services: Alan Eales Dip Pln MRTPA Fax: 01228 611788  
 Civic Centre, Carlisle CB3 5QJ

© Crown Copyright. All rights reserved. Carlisle City Council  
 Licence Number LA077429, 2001.

1.1.250 1/11/2002

## SCHEDULE A: Applications with Recommendation

02/1271

---

**Item No: 26**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1271

**Applicant:**  
Mr I Armstrong

**Parish:**  
Brampton

**Date of Receipt:**  
03/12/2002

**Agent:**

**Ward:**  
Brampton

**Location:**  
4, The Courtyard, Carlisle Road, Brampton, CA8  
1SS

**Grid Reference:**  
352542 561015

**Proposal:** Two storey extension to provide dining room on ground floor with bedroom and en-suite above

**Amendment:**

*Keith*

---

### Report

#### Planning Policies:

#### **Carlisle District Plan Housing - Proposal H14**

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

#### Summary of Consultation Responses:

**Cumbria County Council - (Highway Authority):** no objections.

**Brampton Parish Council:** consider the proposed extension would result in overdevelopment of the site and that the extension is out of proportion to the existing dwelling and those nearby.

**English Nature:** requests informative regarding bats.

#### Summary of Representations:

The application has been publicised by six neighbour letters, expiry date 27 December 2002. No replies have been received.

## SCHEDULE A: Applications with Recommendation

02/1271

### Details of Proposal/Officer Appraisal:

#### **Planning History:**

Number 4 The Courtyard comprises one of a group of four houses built under planning permission 89/0078 approved on 28 April 1989. Permission had previously been granted on 13 December 1985, reference 85/1010, for the erection of four flats with garages, but this scheme had not been implemented.

#### **Details of Proposal:**

The application proposes a two storey extension to the front of the existing detached property projecting 3.5 metres forward x 4.8 metres wide and occupying part of the front garden. It will comprise a dining room on the ground floor with a bedroom and ensuite shower room on the first floor with a pitched gable roof over. The building materials to be used will match those in the existing house and existing windows are to be reused, where possible.

The property occupies the north western quadrant of a small courtyard development of four houses at Townfoot, Brampton. It is bordered to the east by a similar house within the same courtyard, to the south by a pair of detached garages serving numbers 2 and 4, to the west by the converted buildings at Townfoot Court and to the north by the curtilage of a detached bungalow, Whingather. The neighbouring house at number 3 is stepped forward of number 4 by approximately 2 metres.

Public views into the courtyard are limited by the 'tunnel' entrance between numbers 1 and 2 and no representations have been received from immediate neighbours.

I do not share the parish council's view that the proposal is either overdevelopment of the site or that the extension is out of proportion to the existing dwelling and those nearby. On the issue of overdevelopment, the extension will only occupy around half of the front garden area which is enclosed by a low wall. There is a further open area extending over 7 metres between this wall and the garage which is laid out for car parking. The existing rear garden area remains unaffected.

On the issue of proportions, the extension will remain subordinate to the existing dwellinghouse, will be constructed in matching materials and will not impact significantly on those others within the courtyard. There may be some limited overshadowing of 2 no. rooflights in the eastern roof plane of 18 Townfoot Court. However, the extension is 2.3 metres distant from the party wall and this impact will be more than outweighed, in my opinion, by the reduction in the oblique window to window overlooking which currently prevails and the increased privacy which the extension will thereby provide. I would reiterate that the occupiers of this property have been consulted but no representations have been received.

I consider that the development proposed accords with the Local Plan policy on extensions to dwellings and that there will be no significant harm to any interests of acknowledged importance. I therefore recommend that planning permission be granted.

## SCHEDULE A: Applications with Recommendation

02/1271

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary.

Article 8 and Article 1 Protocol 1 are relevant but the impact of the development will be limited and unlikely to prejudice such rights.

f349 →

---

### Recommendation: Grant Permission ✓

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

**Reason:** To ensure the works harmonise as closely as possible with the existing building.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted in the east elevation of the ground floor, either the east or west elevations of the first floor, or skylights inserted in the west elevation of the roof plane of the proposed extensions without the prior consent of the local planning authority.

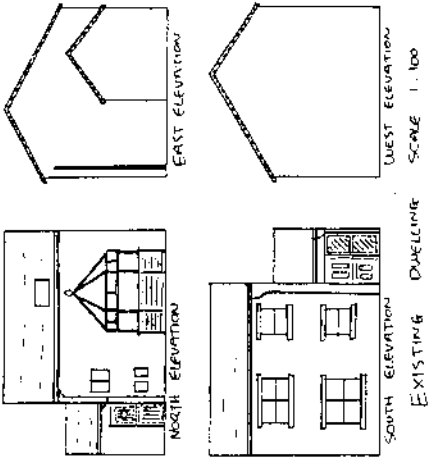
## SCHEDULE A: Applications with Recommendation

02/1271

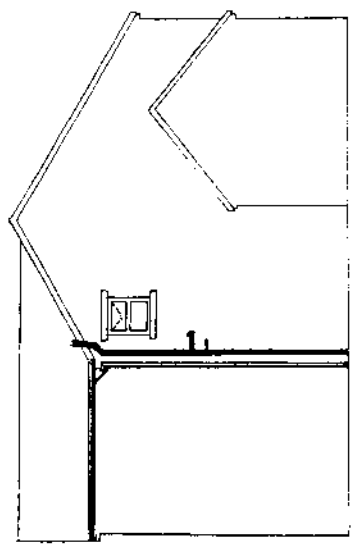
**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site.

---

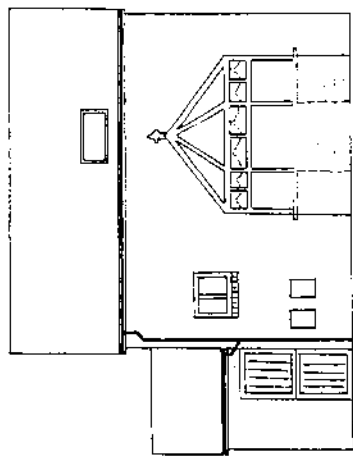




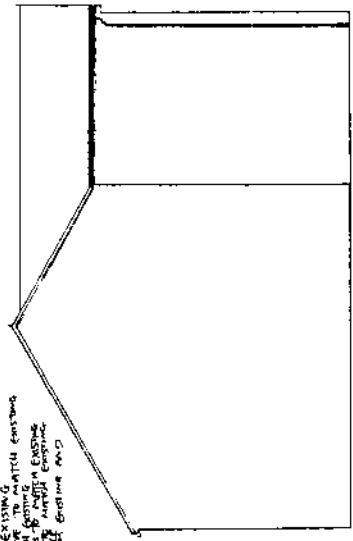
EXISTING DWELLING SCALE 1:100



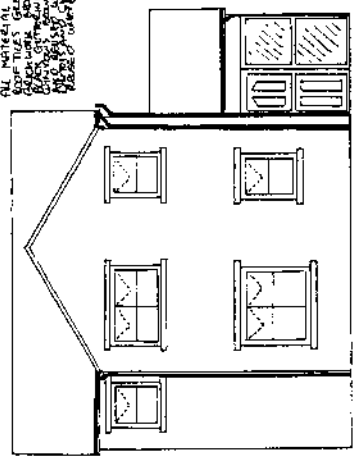
EAST ELEVATION 1:50



NORTH ELEVATION 1:50

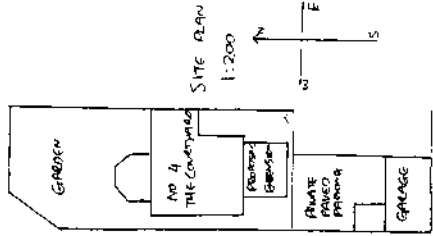


WEST ELEVATION 1:50



SOUTH ELEVATION 1:50

ALL MATERIAL TO MATCH EXISTING  
 ROOF TILES GREY W/REDS TO MATCH EXISTING  
 BRICKWORK TO MATCH EXISTING  
 CHIMNEY TO MATCH EXISTING  
 GARDEN WALL TO MATCH EXISTING  
 DRIVEWAY TO MATCH EXISTING  
 DRIVEWAY TO MATCH EXISTING  
 DRIVEWAY TO MATCH EXISTING



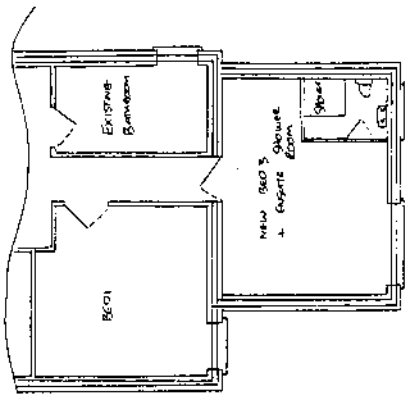
SITE PLAN 1:200

I. HARRISON + E. HOGG  
 PROPOSED EXTENSION AT  
 NO 4 THE COVINGTONS,  
 EARLHURST ROAD, CUMBERNA  
 ALL SIZES IN mm  
 SCALE AS SHOWN  
 NOVEMBER 2002

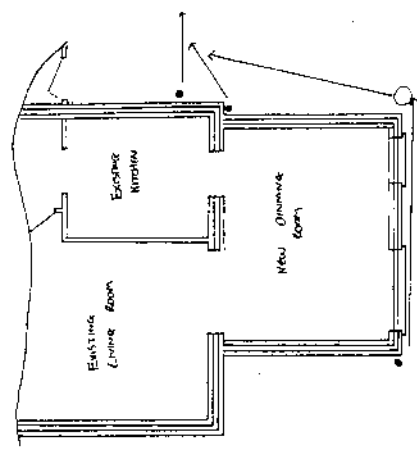
2004/11/17



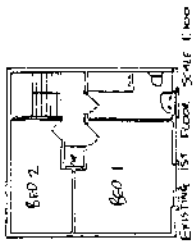
LOCATION PLAN 1:2,500



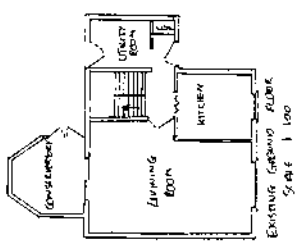
1ST FLOOR SCALE 1:50



GROUND FLOOR SCALE 1:50



EXISTING 1ST FLOOR SCALE 1:100



EXISTING GROUND FLOOR SCALE 1:100

## SCHEDULE A: Applications with Recommendation

02/1275

---

**Item No: 27**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1275

**Applicant:**  
Primelight Advertising  
Limited

**Parish:**  
Carlisle

**Date of Receipt:**  
20/12/2002

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**  
Booze Buster, 2 Beechwood Avenue, Stanwix,  
Carlisle, CA3 9BU

**Grid Reference:**  
339985 557705

**Proposal:** Erection of 2no illuminated free standing advertising display  
units(retrospective)

**Amendment:**

*Richard*

---

### Report

#### Planning Policies:

#### **Carlisle District Plan Environment - Policy E47**

Proposals for advertisements in Carlisle, Brampton and Longtown will be permitted providing that:

1. It is an appropriate location for advertising given the character and appearance of the surrounding area; and
2. The general siting, size and dominance of the advertisement will not have an adverse impact on the amenity of adjacent property; and
3. Any relevant road safety issues are taken into consideration; and
4. Within Conservation Areas particular attention must be given to the design, siting and illumination of the advertisements to ensure the preservation and enhancement of the special character and appearance of the area.

#### Summary of Consultation Responses:

**Cumbria County Council - (Highway Authority):** No objection.

Further comments received on 15 January 2003 read as follows:

## **SCHEDULE A: Applications with Recommendation**

02/1275

I have looked at both sites. Whilst I don't have an issue with the location of either, the one on Warwick Road is located within an area of land where highway rights are presumed to exist under Section 31 of the Highways Act 1980 (20 year rule). A licence under Section 115E of the Highways Act 1980 is therefore required.

### **Summary of Representations:**

This application has been advertised by means of a site notice and direct notification to the occupiers of six of the neighbouring properties. At the time of writing this report, two letters of objection have been received and the main issues raised are summarised as follows:

1. The advertisements are out of character for a residential area;
2. The advertisements will cause an unnecessary distraction to drivers;

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

The site has a varied planning history dating back to 1935 when planning permission was granted for the erection of dwelling and shop. In 1986, planning permission was granted for the replacement of the shop frontage. However, in later in 1986, advertisement consent was refused for the erection of an illuminated fascia. An illuminated projecting sign was also refused in 1987.

In 1988, advertisement consent was granted for the erection of an illuminated fascia on 26 April 1988, under reference 88/0358.

More recently, advertisement consent was granted for the installation of two internally illuminated fascia signs, on 4 May 1993, under reference 93/0220.

#### **Details of Proposal:**

The site is located adjacent to number 2 Beechwood Avenue, Stanwix, Carlisle. The building is currently occupied by 'Booze Buster' and the property is located on the corner of Beechwood Avenue and Scotland Road.

The advertisements are located on a paved area in front of the property. The signs are positioned adjacent to a hedge which grows along the boundary with the adjacent property, number 122 Scotland Road. Although located on one of the main thoroughfares into the City Centre from the north, the area is primarily residential.

The proposal involves the erection of two freestanding advertisements on the paved area adjacent to 'Booze Buster'. The advertisement unit itself measures 1.9 metres in height by 1.3 metres in width and is constructed on a base unit which is itself 0.6 metres in height and is constructed from galvanized steel with a toughened glass front. The actual product/ item being advertised within the unit is displayed upon a

## SCHEDULE A: Applications with Recommendation

02/1275

poster measuring 1.2 metres by 1.8 metres. and the unit is internally illuminated.

Following the submission of this application, the advertisement unit has been erected on site.

Applications for advertisement consent can only be controlled in the interests of 'amenity' and 'public safety'. The Highway Authority have no objections to the proposal. Through further discussions with Officers at the Highway Authority it transpires that the signs are unlikely to cause sufficient distraction to passing motorists to warrant an objection on these grounds. The merits of the application must therefore be assessed under 'amenity' grounds.

Advertisement proposals should have regard to the environment and the visual amenity of the area, as defined in Planning Policy Guidance 19 (Outdoor Advertisement Control).

An annex to PPG19 entitled "Criteria for Deciding Applications and Appeals Involving Poster Sites" gives more detailed guidance on the consideration of proposals for poster hoardings in terms of their effects on amenity and public safety. This annex states that:

"poster-panels when they are displayed on buildings, or as free-standing units alongside the highway, should be related to the scale of surrounding buildings and have regard to the symmetry or architectural features of their location."

It goes on to state:

"free-standing roadside panels should always be in scale with the buildings on either side and in the surrounding area, in precisely the same way as any other commercial development. Large poster hoardings situated at the back-edge of the pavement, or in other prominent locations, usually have a dominant visual impact upon their surroundings, and they therefore need to be site with particular care to ensure that their effect on pedestrians is not overwhelming."

The signage as proposed, appears over-dominant and incongruous to the predominantly residential environment and the surroundings streetscene and the proposals do not enhance or complement the character of the environment in which it is located.

Whilst it is conceded that "amenity considerations may appear to be based on subjective judgement", it is advised that decisions on advertisements should be consistent "so as to minimise the scope for prospective advertisers to criticise apparently inconsistent or unreasonable decisions".

Planning permission was refused on 14 May 1999 for the erection of an internally illuminated hoarding at The Crown Public House, 23 Scotland Road, Carlisle, under application reference 99/0254. The reasons given are as follows:

1. The freestanding internally illuminated hoarding is proposed to be located on part of the pavement immediately in front of a brick wall adjoining The Crown PH and

## **SCHEDULE A: Applications with Recommendation**

02/1275

serving The Stanwix Bakery shop. The Crown is an attractive public house which is a key building within the townscape because of its prominent location adjoining a terrace of listed buildings and series of shop units on the northern corner of a busy road junction. In such a location within the Stanwix Conservation Area the proposed hoarding because of its design, size, materials, illumination and position would be a visually obtrusive feature which is highly visible within the street scene. Its display would therefore be detrimental to the visual amenities of the public house/shop and street scene generally contrary to the objectives of Policies E43 and E47 of the Carlisle District Local Plan.

2. The proposed freestanding internally illuminated hoarding located at the Scotland Road and Etterby Street junction will be in the direct line of vision of northbound road users. In such a prominent position the proposed hoarding because of its design, size and location would constitute a distraction to road users and thus be detrimental to highway safety contrary to the objectives of Policy E47 of the Carlisle District Local Plan.

An appeal was lodged to the Planning Inspectorate which was subsequently dismissed. A copy of the decision letter is reproduced following this Report. There are notable differences between the applications, namely the designated conservation area and the proximity of listed buildings in relation to the appeal site, but the fundamental issue of public amenity remains the same.

In considering this application, Members must make a subjective decision on the siting and appearance of the signs. The arguments presented in this Report conclude that the signs appear brash and overdominant within the streetscene. The freestanding internally illuminated poster panel hoardings are of an uncompromisingly modern design which is inappropriate and obtrusive within this setting, detracting from the amenity of the residential area.

### **Informative Notes to Committee:**

#### **1. Enforcement Action authorisation**

Since the development or use to which the above application refers has been commenced without the necessary planning approval having been obtained, enforcement action may be necessary in order to remedy the breach of planning control which has occurred. Members are therefore requested to give authority for such formal legal action as may be required, to be initiated by the Legal and Democratic Services in discussion with the Head of Planning Services.

---

### **Human Rights Act 1998:**

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

## SCHEDULE A: Applications with Recommendation

02/1275

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above. The applicants rights are respected but in this instance it is considered that the harm caused outweighs any personal considerations.

---

**Recommendation:** Refuse Permission ✓

- Reason:** The freestanding internally illuminated hoardings are located on part of the pavement in front of 'Booze Buster' close to a busy traffic junction of Beechwood Avenue and Scotland Road, and a primary residential area. In such a location the hoardings because of their design, size, materials, illumination and position are visually obtrusive features which are highly visible within the streetscene. Their dominant and incongruous presence is detrimental to the overall public amenity of the locality and their display is therefore detrimental to the visual amenities of the streetscene generally contrary to the objectives of Policy E47 (Advertisements) of the Carlisle District Local Plan.
-

2 Beechwood Avenue



© Crown Copyright. All rights reserved. Licence number 100020449. Plotted Scale - 1:1250



YK1903010017

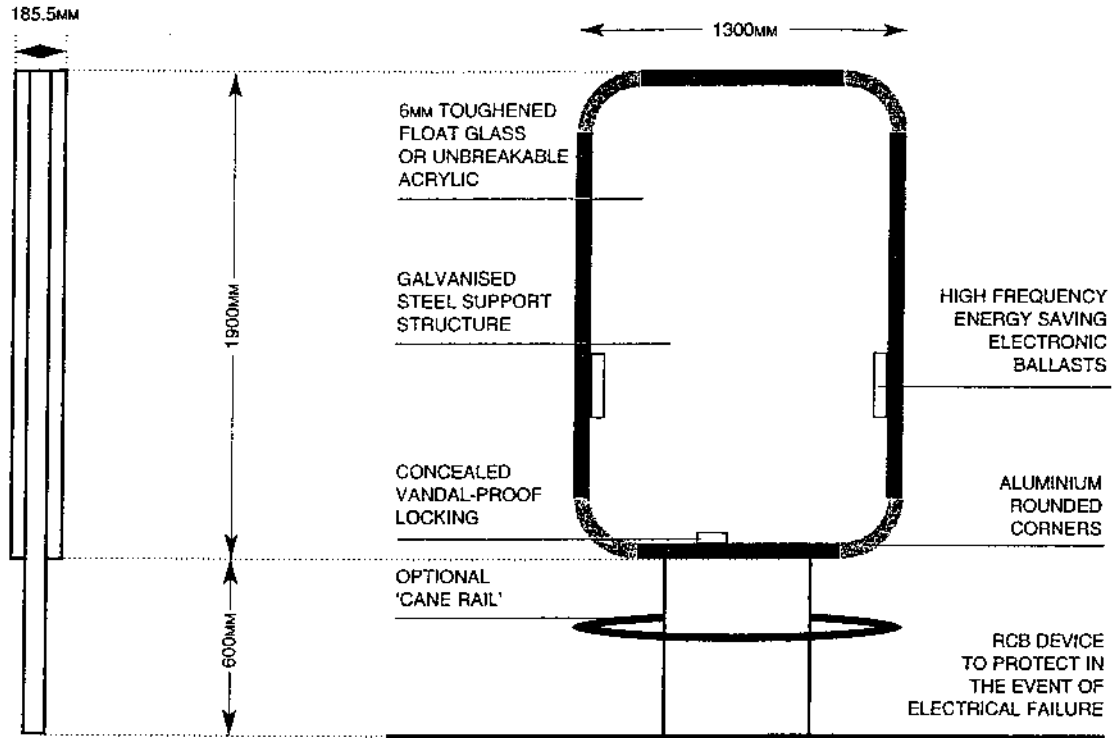
17 DEC 2022

2022/12/17

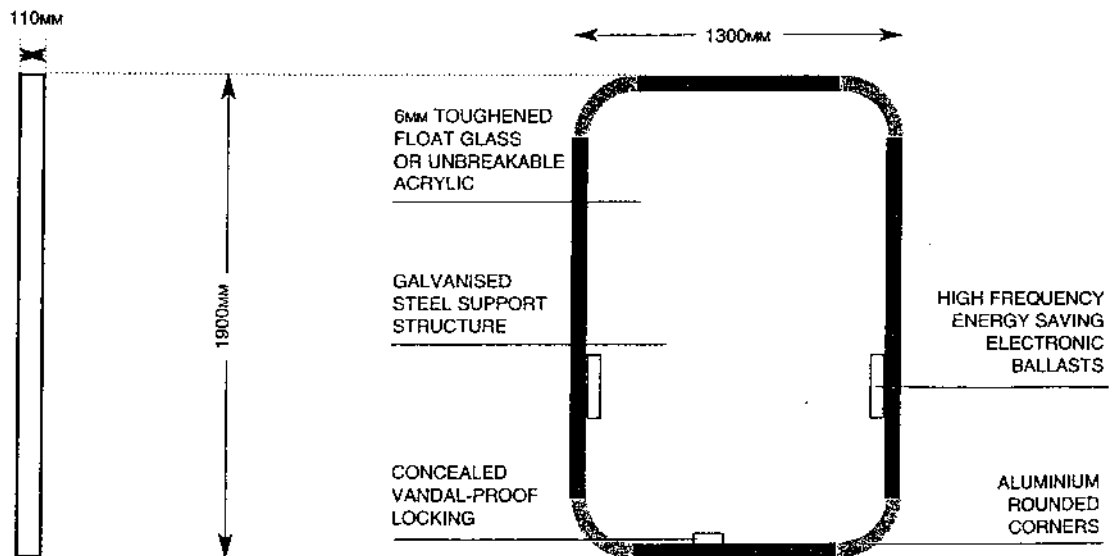
2022/12/17

# Unit Specifications

## Free-Standing Unit



## Wall Mounted Unit



**RNIB**  
 challenging blindness  
 WE ARE PROUD TO BE  
 ASSOCIATED WITH RNIB  
 REGISTERED CHARITY NO. 228227

POSTER SIZE: 1200MM X 1800MM (6 SHEET)

200211275



# Elevation



RECEIVED  
 17 DEC 2002  
 2021/1275...

	Address	Scale 1:100
	BOOZE BUSTER. 2 BEECHWOOD AVENUE, CARLISLE, CA 3 984.	

# Statement

## 2 Beechwood Avenue

### AMENITY CONSIDERATION

The unit is an identical size to that found on bus shelters throughout the borough. According to our records the council has granted consent for 55 similar sized advertising panels in the borough.

The unit has been located in line with the edge of the forecourt, so as not to appear obtrusive. Together with the 14 metre wide forecourt and the 4.2 metre wide pavement, there is an abundance of space for the free flow of pedestrians. It is a high quality fabricated metal unit. Only the finest metals are selected for the design and manufacture of the unit. The unit has been designed to harmonize with the best of traditional and modern architecture. It has radius corners for an aesthetically pleasing appearance with public safety in mind, with a mirror surround on each display area. The unit is cleaned and maintained every two weeks to ensure a quality display, which is expected by advertisers and landlords alike.

The unit is located in a predominately commercial area. There are several other shops in the area. The proposed unit would blend in with the current advertising capacity without creating an appearance of clutter. Indeed, our contract uniquely allow us to remove all advertising including A-boards and the like within a 3m radius of the site. This results in a phased reduction of clutter and thereby substantially increases visual amenity.

### PUBLIC SAFETY CONSIDERATION

The unit has 6mm thick toughened glass and has a fused spur unit. The display poses no threat to public safety.

### ECONOMIC CONSIDERATION

Primelight Advertising Limited pay a rent to the landlord to help sustain his business in the difficult economic climate faced by the independent retailers and the strong competition from major supermarkets. In addition Primelight Advertising Limited pay rates to the council and are also willing to offer additional planning gains.

2 Beechwood Avenue, Booze Buster 3 17.01.03.JPG



2 Beechwood Avenue, Booze Buster 4 17.01.03.JPG





# The Planning Inspectorate

Room 1222  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

Direct Line 0117-987 8577  
Switchboard 0117-987 8000  
Fax No 0117-987 8181  
GTN 1374

---

Chris Thomas  
2 Bell Barn Road  
Stoke Bishop  
Bristol  
BS9 2DA

Your Ref: CT/CARLISLE/E20

Our Ref: APP/E0915/H/99/0909

Date: 13 AUG 1999

---

Dear Sir

## TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1992

**APPEAL:** The Crown Public House, 23 Scotland Road, Carlisle

**APPLICATION NO:** 99/0254

1. I have been appointed to decide the appeal of your clients, Barrett Petrie Sutcliffe Limited, against Carlisle City Council's refusal to permit the display of a poster unit at the above site. My decision is based on the submitted documents and an inspection of the site.
2. I agree with the general description of the appeal site and its surroundings, contained in the Council's statement, enclosed with their letter of 11 June 1999.
3. The appeal concerns a proposal for a single-sided, internally illuminated 6-sheet poster display unit measuring about 2.6m x 2m overall.
4. The Council have referred to a number of conservation and advertisement control policies in the local plan. The Regulations state that decisions be made only in the interests of amenity and public safety. Therefore the council's policies alone cannot be decisive, but I have taken them into account as a material consideration.
5. A previous appeal decision has also been referred to in support of the Council's case. Its contents have been noted but it was based on the merits of that particular case. It cannot be regarded as a precedent.
6. The site is within the Stanwix Conservation Area where special attention must be paid to the desirability of preserving or enhancing its character and appearance. A strict control over the display of advertisements should therefore be maintained. However, well-sited signs of suitable size and design should normally be acceptable provided they do not spoil the appearance of the area.

7. The appeal unit would be sited against the short section of return wall to a baker's shop. It would be at right angles to, and overlook, the frontage of a distinctive public house building constructed in a neo-classical style, which is sympathetically and discreetly signed. In my view, this uncompromisingly modern feature, capable of displaying colourful poster images, highlighted by internal illumination, would look incongruous in this location and detract markedly from the character of this attractive building.

8. The Council are also concerned about public safety. They consider that the unit would be a distraction to traffic approaching the traffic light-controlled junction of Scotland Road and Etterby Street. However, poster displays are familiar features in urban settings. This unit would not be directly to the rear of any signal head but would have a relatively long range of visibility. This should enable drivers exercising a reasonable standard of care to assimilate its presence without becoming distracted from the state of the lights or the road conditions generally.

9. However, I conclude, for the reasons set out above, that the display of the appeal sign would be detrimental to the interests of amenity.

10. I therefore dismiss the appeal.

Yours faithfully



MALCOLM SAINSBURY  
Advertisement Control Officer

## SCHEDULE A: Applications with Recommendation

02/1278

---

**Item No: 28**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1278

**Applicant:**  
Primelight Advertising  
Limited

**Parish:**  
Carlisle

**Date of Receipt:**  
20/12/2002

**Agent:**

**Ward:**  
St Aidans

**Location:**  
Booze Buster, 265 Warwick Road, Carlisle, CA1  
1LT

**Grid Reference:**  
341485 555922

**Proposal:** Erection of 1no illuminated free standing advertising display unit  
(retrospective)

**Amendment:**

---

### Report

#### Planning Policies:

#### **Carlisle District Plan Environment - Policy E47**

Proposals for advertisements in Carlisle, Brampton and Longtown will be permitted providing that:

1. It is an appropriate location for advertising given the character and appearance of the surrounding area; and
2. The general siting, size and dominance of the advertisement will not have an adverse impact on the amenity of adjacent property; and
3. Any relevant road safety issues are taken into consideration; and
4. Within Conservation Areas particular attention must be given to the design, siting and illumination of the advertisements to ensure the preservation and enhancement of the special character and appearance of the area.

#### Summary of Consultation Responses:

**Cumbria County Council - (Highway Authority):** No objection.

Further comments received on 15 January 2003 read as follows:

## **SCHEDULE A: Applications with Recommendation**

02/1278

I have looked at both sites. Whilst I don't have an issue with the location of either, the one on Warwick Road is located within an area of land where highway rights are presumed to exist under Section 31 of the Highways Act 1980 (20 year rule). A licence under Section 115E of the Highways Act 1980 is therefore required.

### **Summary of Representations:**

This application has been advertised by means of a site notice. At the time of writing this report, no representations have been received.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

Planning permission was granted for the conversion of a dwelling to a shop with associated living accommodation in 1965. A revised application for the same was approved later in the same year.

In 1977 and 1980 applications for advertisement consent to erect an advertisement and a fascia were approved respectively.

#### **Details of Proposal:**

The site is located adjacent to number 265 Warwick Road, Carlisle which is currently occupied by 'Booze Buster'. The advertisement is located on a paved area in front of the property. Although located on one of the main thoroughfares into the City Centre from the east, the area is primarily residential.

The proposal involves the erection of one two sided freestanding advertisement on the paved area adjacent to 'Booze Buster'. The advertisement unit itself measures 1.9 metres in height by 1.3 metres in width and is constructed on a base unit which is itself 0.6 metres in height and is constructed from galvanized steel with a toughened glass front. The actual product/ item being advertised within the unit is displayed upon a poster measuring 1.2 metres by 1.8 metres. and the unit is internally illuminated.

Following the submission of this application, the advertisement unit has been erected on site.

For commentary on this application, see report under reference 02/1275 found elsewhere in this agenda. The relevant issues are considered to be comparable.

In considering this application, Members must make a subjective decision on the siting and appearance of the signs. The arguments presented in this Report conclude that the signs appear brash and overdominant within the streetscene. The freestanding internally illuminated poster panel hoardings are of an uncompromisingly modern design which is inappropriate and obtrusive within this



## SCHEDULE A: Applications with Recommendation

02/1278

setting, detracting from the amenity of the residential area.

### Informative Notes to Committee:

#### 1. Enforcement Action authorisation

Since the development or use to which the above application refers has been commenced without the necessary planning approval having been obtained, enforcement action may be necessary in order to remedy the breach of planning control which has occurred. Members are therefore requested to give authority for such formal legal action as may be required, to be initiated by Legal and Democratic Services in discussion with the Head of Planning Services.

---

### Human Rights Act 1998

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above. The applicants rights are respected but in this instance it is considered that the harm caused outweighs any personal considerations.

---

### Recommendation: Refuse Permission ✓

- Reason:** The freestanding internally illuminated hoarding is located on part of the pavement in front of 'Booze Buster' close to the busy traffic thoroughfare of Warwick Road and within a primary residential area. In such a location the hoarding, because of its design, size, materials, illumination and position is a visually obtrusive feature which is highly visible within the streetscene. The dominant and incongruous presence is detrimental to the overall public amenity

## SCHEDULE A: Applications with Recommendation

02/1278

~~of the locality and its display is therefore detrimental to the visual amenities of the streetscene generally, contrary to the objectives of Policy E47 (Advertisements) of the Carlisle District Local Plan.~~

---

Supp Schedule  
Page 51 - obj letter.

265 Warwick Road



17 DEC 2002

2002.12.21

© Crown Copyright. All rights reserved. Licence number 100020449. Plotted Scale - 1:1250



YK1903010014

( )

# Elevation

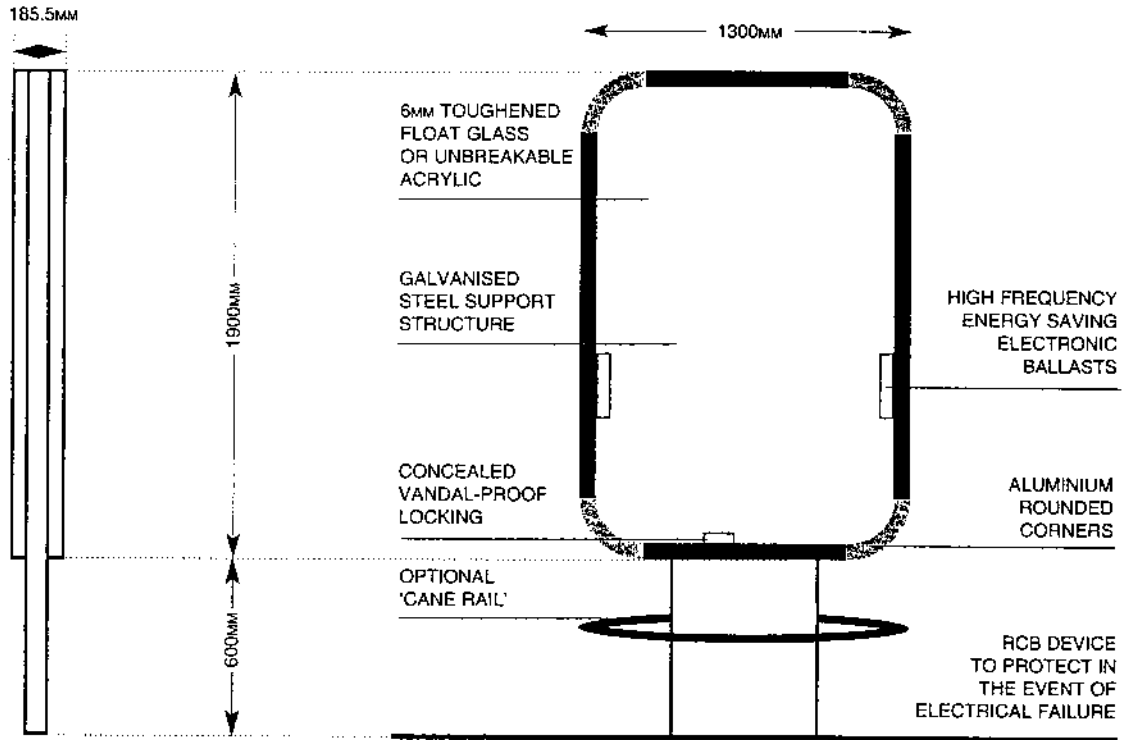


RECEIVED  
17 DEC 2002  
2002/12/17

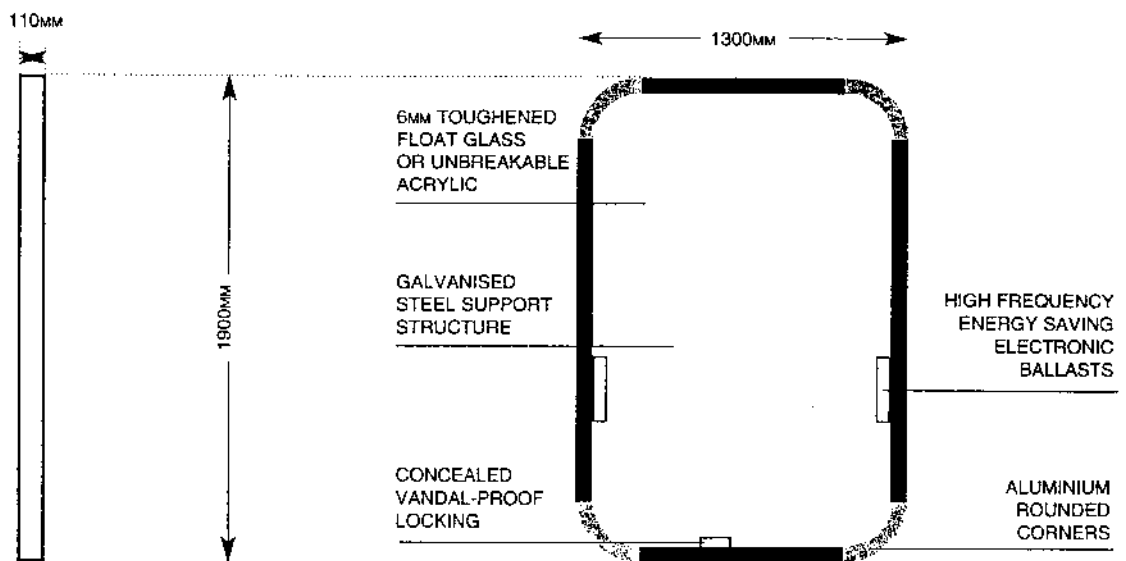
	Address	Scale
	BOOZE BUSTER, 265 WARWICK ROAD, CARLSLE CA 1147.	1:100

# Unit Specifications

## Free-Standing Unit



## Wall Mounted Unit



**RNIB**

Challenging blindness  
WE ARE PROUD TO BE  
ASSOCIATED WITH RNIB  
REGD STEREO CHART NO. 226/22

POSTER SIZE: 1200MM X 1800MM (6 SHEET)

2002/1275

# Statement

265 Warick Road

## AMENITY CONSIDERATION

The unit is an identical size to that found on bus shelters throughout the borough. According to our records the council has granted consent for 55 similar sized advertising panels in the borough.

The unit has been located in line with the edge of the forecourt, so as not to appear obtrusive. Together with the 6 metre wide forecourt and the 2. metre wide pavement, there is an abundance of space for the free flow of pedestrians. It is a high quality fabricated metal unit. Only the finest metals are selected for the design and manufacture of the unit. The unit has been designed to harmonize with the best of traditional and modern architecture. It has radius corners for an aesthetically pleasing appearance with public safety in mind, with a mirror surround on each display area. The unit is cleaned and maintained every two weeks to ensure a quality display, which is expected by advertisers and landlords alike.

The unit is located in a predominately commercial area. There are several other shops in the area. The proposed unit would blend in with the current advertising capacity without creating an appearance of clutter. Indeed, our contract uniquely allow us to remove all advertising including A-boards and the like within a 3m radius of the site. This results in a phased reduction of clutter and thereby substantially increases visual amenity.

## PUBLIC SAFETY CONSIDERATION

The unit has 6mm thick toughened glass and has a fused spur unit. The display poses no threat to public safety.

## ECONOMIC CONSIDERATION

Primelight Advertising Limited pay a rent to the landlord to help sustain his business in the difficult economic climate faced by the independent retailers and the strong competition from major supermarkets. In addition Primelight Advertising Limited pay rates to the council and are also willing to offer additional planning gains.

265 Warwick Road, Booze Buster 1 17.01.03.JPG



265 Warwick Road, Booze Buster 4 17.01.03.JPG







# The Planning Inspectorate

Room 1222  
Tollgate House  
Houlton Street  
Bristol BS2 9DJ

Direct Line 0117-987 8577  
Switchboard 0117-987 8000  
Fax No 0117-987 8181  
GTN 1374

---

Chris Thomas  
2 Bell Barn Road  
Stoke Bishop  
Bristol  
BS9 2DA

Your Ref: CT/CARLISLE/E20

Our Ref: APP/E0915/H/99/0909

Date: 13 AUG 1999

---

Dear Sir

## TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1992

APPEAL: The Crown Public House, 23 Scotland Road, Carlisle

APPLICATION NO: 99/0254

1. I have been appointed to decide the appeal of your clients, Barrett Petrie Sutcliffe Limited, against Carlisle City Council's refusal to permit the display of a poster unit at the above site. My decision is based on the submitted documents and an inspection of the site.
2. I agree with the general description of the appeal site and its surroundings, contained in the Council's statement, enclosed with their letter of 11 June 1999.
3. The appeal concerns a proposal for a single-sided, internally illuminated 6-sheet poster display unit measuring about 2.6m x 2m overall.
4. The Council have referred to a number of conservation and advertisement control policies in the local plan. The Regulations state that decisions be made only in the interests of amenity and public safety. Therefore the council's policies alone cannot be decisive, but I have taken them into account as a material consideration.
5. A previous appeal decision has also been referred to in support of the Council's case. Its contents have been noted but it was based on the merits of that particular case. It cannot be regarded as a precedent.
6. The site is within the Stanwix Conservation Area where special attention must be paid to the desirability of preserving or enhancing its character and appearance. A strict control over the display of advertisements should therefore be maintained. However, well-sited signs of suitable size and design should normally be acceptable provided they do not spoil the appearance of the area.

7. The appeal unit would be sited against the short section of return wall to a baker's shop. It would be at right angles to, and overlook, the frontage of a distinctive public house building constructed in a neo-classical style, which is sympathetically and discreetly signed. In my view, this uncompromisingly modern feature, capable of displaying colourful poster images, highlighted by internal illumination, would look incongruous in this location and detract markedly from the character of this attractive building.

8. The Council are also concerned about public safety. They consider that the unit would be a distraction to traffic approaching the traffic light-controlled junction of Scotland Road and Etterby Street. However, poster displays are familiar features in urban settings. This unit would not be directly to the rear of any signal head but would have a relatively long range of visibility. This should enable drivers exercising a reasonable standard of care to assimilate its presence without becoming distracted from the state of the lights or the road conditions generally.

9. However, I conclude, for the reasons set out above, that the display of the appeal sign would be detrimental to the interests of amenity.

10. I therefore dismiss the appeal.

Yours faithfully



MALCOLM SAINSBURY  
Advertisement Control Officer

## SCHEDULE A: Applications with Recommendation

02/1279

---

**Item No: 29**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1279

**Applicant:**  
Mr M Calvert

**Parish:**  
Brampton

**Date of Receipt:**  
13/12/2002

**Agent:**

**Ward:**  
Brampton

**Location:**  
Croglin, Greenfield Lane, Brampton, CA8 1AU

**Grid Reference:**  
352630 561400

**Proposal:** Two storey extension to side elevation to provide garage, kitchen extension on the ground floor & 2no bedrooms above

**Amendment:**

*Sam*

---

### Report

#### Planning Policies:

#### **Carlisle District Plan Housing - Proposal H14**

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

#### Summary of Consultation Responses:

**Cumbria County Council - (Highway Authority):** no objection;

**Brampton Parish Council:** no objections;

**Cumbria County Council - (Archaeological Services):** no comment;

**English Nature:** no objection, subject to the attachment of one supplementary informative to any notice of consent.

#### Summary of Representations:

This application has been advertised by means of notification letters sent to three neighbouring properties. One letter of objection has been received. The objector has raised concerns that the single storey element of the extension which projects 1.5

## **SCHEDULE A: Applications with Recommendation**

02/1279

metre beyond the front of the property would result in a loss of light, but also make it difficult for the objector to open their car door and would require them to park further down the driveway, closer to the road. The objector has also expressed concern that the proposed extension could result in structural damage to his property.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

There is no planning history relating to this site.

#### **Details of Proposal:**

This application seeks planning permission for the erection of a two storey extension to the east facing side elevation of Croglin, Greenfield Lane, Brampton. The property is a semi-detached property of modern construction, finished with a combination of yellow/pink facing brick with a tiled roof. The property is situated within a residential area. The application site is enclosed to the east, west and south by residential properties. To the north of the application site, on the opposite side of Greenfield Lane are the grounds of the property known as Garth House. A plan indicating the location of the property and its relationship with the adjoining properties is reproduced following this report.

The proposal, as submitted, seeks approval for the erection of a two storey extension to the east facing side elevation to provide a garage and kitchen extension on the ground floor and two bedrooms above. The extension would replace an existing flat roof garage and store. A plan illustrating the proposed extension is reproduced following this report. The extension, which is 3.7 metres wide, shall be built up to the boundary with the neighbouring property. The two storey extension extends the full depth of the dwelling occupying all of the gable wall area. The ground floor element of the proposed extension would project by 1.55 metres beyond the front of the existing property and by 1.65 metres at the rear. Both the extensions that project beyond the front and rear of the property at ground floor level are lean to extensions. The height of the proposed extension matches that of the original dwelling. The external materials used shall match those of the existing property.

With regards to this application it is felt that the main issues to consider are the potential impact upon the amenities of neighbouring properties, in particular the property known as Kintra, which is adjacent to the location of the proposed extension.

In considering this application Policy H14 of the Carlisle District Local Plan is of relevance.

Members will note that one letter of objection has been received. The objector has raised concerns that the single storey element of the extension which projects 1.5 metre beyond the front of the property would result in a loss of light, but also make it difficult for the objector to open their car door and would require them to park further

## SCHEDULE A: Applications with Recommendation

02/1279

down the driveway, closer to the road. The objector has also expressed concern that the proposed extension could result in structural damage to his property. In considering the objections raised Members should note that loss of view is not a material planning consideration. It is not considered that the extension hereby proposed would result in any structural damage to the neighbouring property provided that the work is carried out in a proper manner. The other concerns raised are covered in the paragraph below.

Members will note that the property is north facing and that the proposed extension is to be sited on the east facing gable of the dwelling. On that basis it is the Officers view that the proposed extension would not result in any loss of light to the neighbouring property. It is not considered that the development adversely affects the amenities of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The proposal is not considered to be of an unacceptable scale or visually intrusive.

In conclusion, the proposed extension is considered acceptable in terms of siting design and materials used. Officers are satisfied that the proposed extension would not result in any adverse impact upon the amenities of any neighbouring properties. The proposal is in accordance with Policy H14 of the Carlisle District Local Plan and is therefore recommended for approval.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

---

**Recommendation:** Grant Permission

SU

## SCHEDULE A: Applications with Recommendation

02/1279

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

**Reason:** To ensure the works harmonise as closely as possible with the existing building.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted on the east facing elevation of the extension without the prior consent of the local planning authority.

**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site.

---

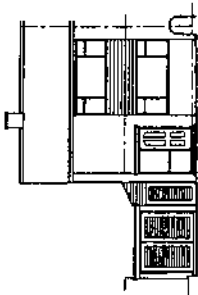
Brampton

203/1279

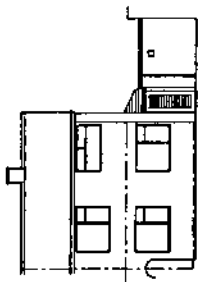


Scale 1:1250

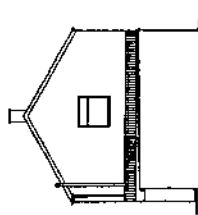




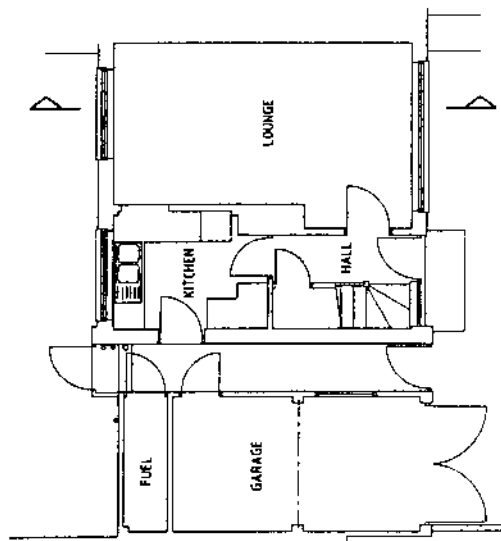
FRONT ELEVATION



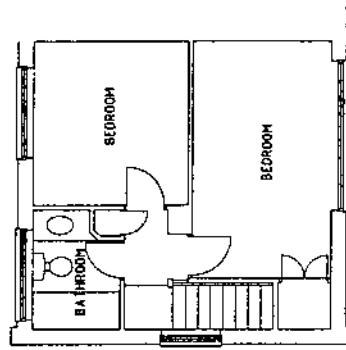
REAR ELEVATION



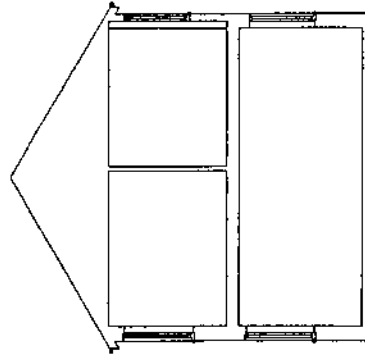
END ELEVATION



GROUND FLOOR PLAN



FIRST FLOOR PLAN

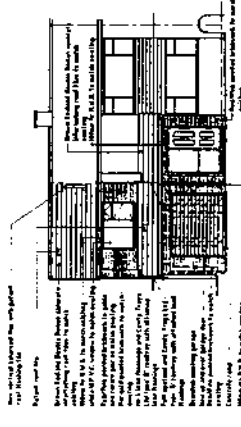


SECTION

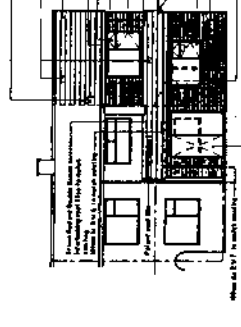
2002/12/29

GROEHL GREENFIELD LANE  
 STRAMPTON  
 FOR MR W. CALVERT  
 PREMISES AS EXISTING  
 SCALE 1/80 & 1/100

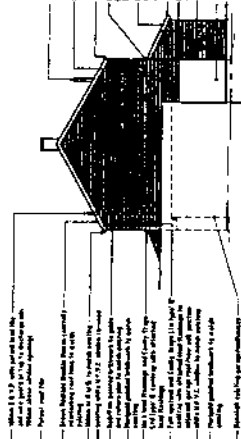




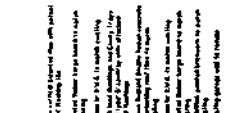
**FRONT ELEVATION**



**REAR ELEVATION**



**END ELEVATION**



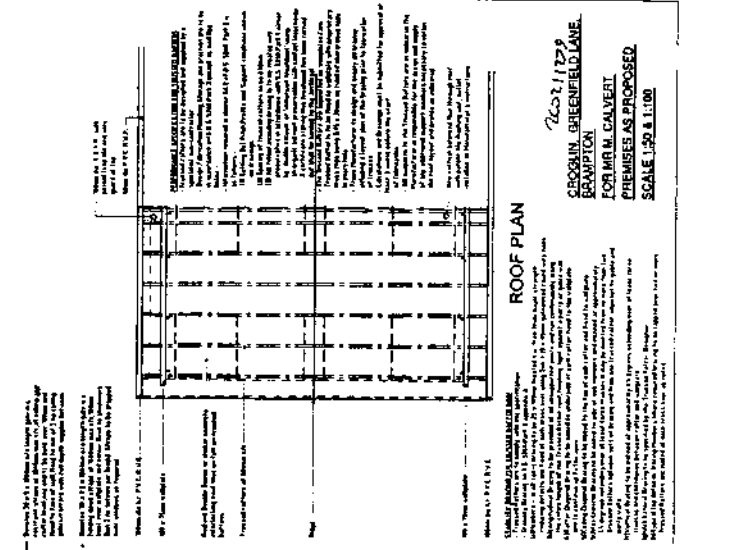
**SECTION A-A**

**FRONT ELEVATION**  
 1. The front elevation shows a two-story house with a gabled roof. The front porch is supported by columns. The windows are double-hung. The house is finished with horizontal siding. The roof is gable with asphalt shingles. The front door is a six-panel door with a transom. The house is set on a concrete foundation. The front yard is landscaped with lawn and shrubs. The house is located on a residential street. The house is a good example of a traditional two-story house. The house is well-maintained and in good condition. The house is a good investment. The house is a good choice for a family. The house is a good choice for a first-time homebuyer. The house is a good choice for a young professional. The house is a good choice for a retiree. The house is a good choice for anyone looking for a comfortable and stylish home.

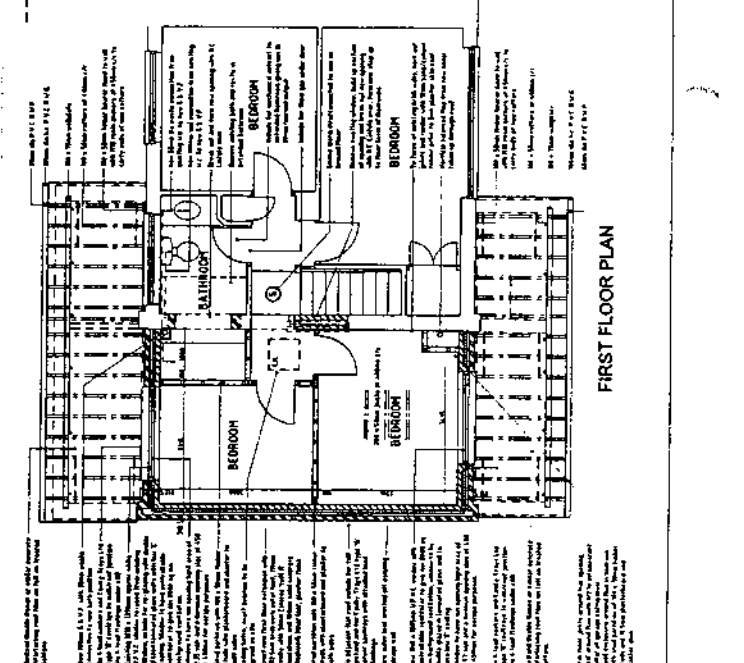
**REAR ELEVATION**  
 2. The rear elevation shows a two-story house with a gabled roof. The rear porch is supported by columns. The windows are double-hung. The house is finished with horizontal siding. The roof is gable with asphalt shingles. The rear door is a six-panel door with a transom. The house is set on a concrete foundation. The rear yard is landscaped with lawn and shrubs. The house is located on a residential street. The house is a good example of a traditional two-story house. The house is well-maintained and in good condition. The house is a good investment. The house is a good choice for a family. The house is a good choice for a first-time homebuyer. The house is a good choice for a young professional. The house is a good choice for a retiree. The house is a good choice for anyone looking for a comfortable and stylish home.

**END ELEVATION**  
 3. The end elevation shows a two-story house with a gabled roof. The end porch is supported by columns. The windows are double-hung. The house is finished with horizontal siding. The roof is gable with asphalt shingles. The end door is a six-panel door with a transom. The house is set on a concrete foundation. The end yard is landscaped with lawn and shrubs. The house is located on a residential street. The house is a good example of a traditional two-story house. The house is well-maintained and in good condition. The house is a good investment. The house is a good choice for a family. The house is a good choice for a first-time homebuyer. The house is a good choice for a young professional. The house is a good choice for a retiree. The house is a good choice for anyone looking for a comfortable and stylish home.

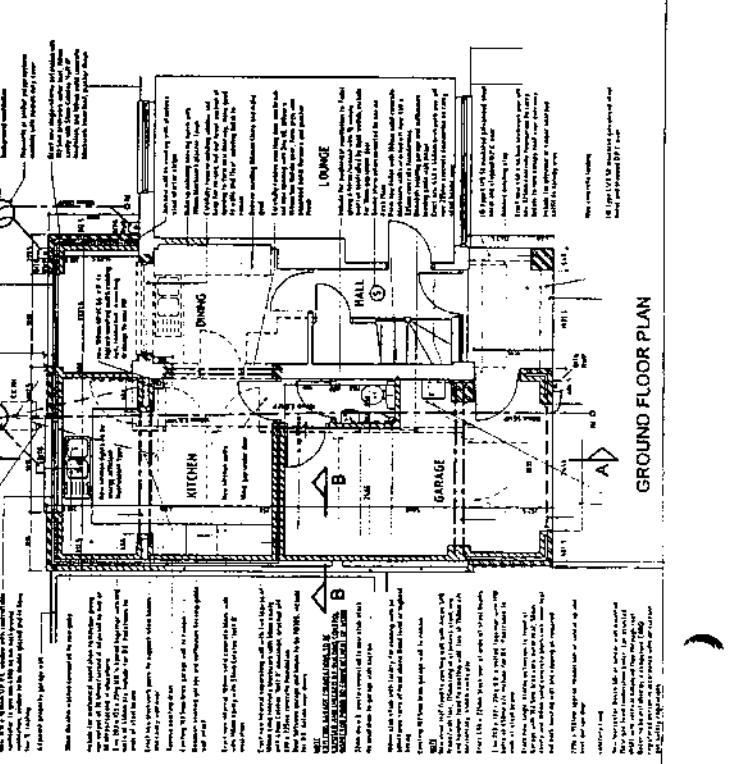
**SECTION A-A**  
 4. Section A-A shows a cross-section of the house. The roof is gable with asphalt shingles. The rafters are spaced 16" on center. The roof deck is 1/2" plywood. The ceiling is 5/8" drywall. The floor joists are 2x10 spaced 16" on center. The floor is 1/2" plywood. The walls are 2x4 studs spaced 16" on center. The exterior is finished with horizontal siding. The interior is finished with 5/8" drywall. The house is set on a concrete foundation. The house is a good example of a traditional two-story house. The house is well-maintained and in good condition. The house is a good investment. The house is a good choice for a family. The house is a good choice for a first-time homebuyer. The house is a good choice for a young professional. The house is a good choice for a retiree. The house is a good choice for anyone looking for a comfortable and stylish home.



**ROOF PLAN**



**FIRST FLOOR PLAN**



**GROUND FLOOR PLAN**

2024/1/27  
**CROSBIN, GREENFIELD, LANE**  
**FOR M.M. GAVETT**  
**PREMISES AS PROPOSED**  
**SCALE 1/8" = 1'-0"**

## SCHEDULE A: Applications with Recommendation

02/1308

---

**Item No:** 30

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1308

**Applicant:**  
Mr & Mrs Donnelly

**Parish:**  
Carlisle

**Date of Receipt:**  
11/12/2002

**Agent:**  
Jock Gordon

**Ward:**  
Stanwix Urban

**Location:**  
37 Northwood Crescent, Stanwix, Carlisle, CA3 9BT

**Grid Reference:**  
340030 557890

**Proposal:** Two storey extension to provide garage, kitchen, bathroom, study with 1no. bedroom above

**Amendment:**

Angus

---

### Report

#### Planning Policies:

##### **Carlisle District Plan Housing - Proposal H14**

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

##### **Carlisle District Plan Housing - Proposal H17**

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

## **SCHEDULE A: Applications with Recommendation**

02/1308

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** No objections.

**English Nature:** The application involves the type of building that may be used by bats. It is therefore advised that an informative note is attached to any decision notice.

### **Summary of Representations:**

This application has been advertised in the form of the direct notification of the occupiers of nine neighbouring properties. In response one letter of objection has been received raising the following issues:

- Whilst cannot object to any future application for Building Regulations it is possible to object to the planning application. Therefore objection to planning application as it is the Building Regulations that are really of concern.
- Is the building going to be reinforced and the foundations able to handle the extra strain.
- Some of the conversions throughout the county has resulted in building cracking up.
- Concerned about any future problems caused by the changes to the neighbouring property.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

The property has not been subject to a planning application subsequent to its construction.

#### **Details of Proposal:**

This application relates to a semi-detached bungalow located on the southern side of Northwood Crescent approximately 30 metres to the east of the junction with Lansdowne Crescent. Externally the bungalow consists of brick and white painted rendered walls with a dark green tiled roof. The neighbouring properties at 80/100 Lansdowne Crescent are a pair of semi-detached houses. In the case of 100 Lansdowne Crescent there is a shed and garage which abut the eastern boundary with the application site. A coniferous tree with slightly overhanging branches is also located in the south-eastern section of the garden ancillary to 100 Lansdowne Crescent. The boundary between 37 Northwood Crescent and 100 Lansdowne Crescent is partly delineated by a hedge.

The current application involves erecting a side extension to provide (on the ground

## SCHEDULE A: Applications with Recommendation

02/1308

floor) a garage, kitchen, bathroom, and, study. The proposed first floor is shown as having a bedroom but also involve alterations to the existing roofspace to provide additional accommodation. The proposed extension is approximately 1.5 metres away from the boundary with 100 Lansdowne Crescent. All new materials are to match the existing on the bungalow.

When considering this application and the comments received it should be noted that Ministerial advice contained in Annex C of PPG1 "General Policy and Principles" emphasises that the planning legislation should not normally be used to secure objections achievable under other legislation. Any damage caused by building work to a neighbouring property would be a civil matter.

This aside, it is felt that the two fundamental issues are: a) whether the proposal can be considered detrimental to the amenities of neighbours; and, b) whether the proposal is detrimental to the character of the area.

### a) WHETHER THE DETRIMENTAL TO THE AMENITY OF NEIGHBOURS

In considering this issue it is apparent that on the proposed side elevation there are a door and two windows serving a bathroom and kitchen on the ground floor. It is also evident that the scheme involves the insertion of rooflights. In the case of all the proposed openings, and because of the existing relationship of the bungalow to neighbouring properties, it is considered that the proposal would not lead to significant losses in privacy. There is, however, an argument to control the insertion of any additional openings in the future.

The height and disposition of the proposal site boundaries should also not lead to any problems associated with losses in light.

### b) WHETHER DETRIMENTAL TO CHARACTER OF THE AREA

The submitted plans show the proposed garage extending beyond the existing "front" wall of this semi-detached bungalow. It is, nevertheless, evident that the neighbouring properties are staggered, and, that the garage will be in line with the existing shed and garage at 100 Lansdowne Crescent.

In conclusion the rights of the objector are respected but in overall terms the proposal is neither considered detrimental to the amenities of neighbouring residents nor to the character of the area sufficient to warrant refusal.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

## SCHEDULE A: Applications with Recommendation

02/1308

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

[Officers to insert variable text addressing which, if any of the above, have specific implications in relation to the subject application].

---

**Recommendation:** Grant Permission ✓

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

**Reason:** To ensure the works harmonise as closely as possible with the existing building.

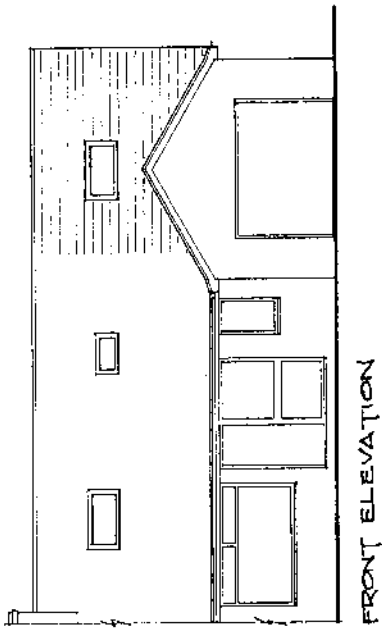
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows or skylights shall be inserted above the ground floor on the western or southern elevations without the prior consent of the local planning authority.

**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site.

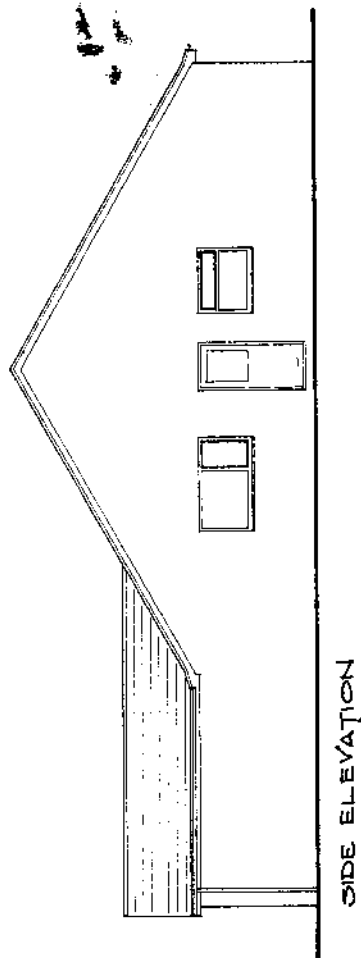
---



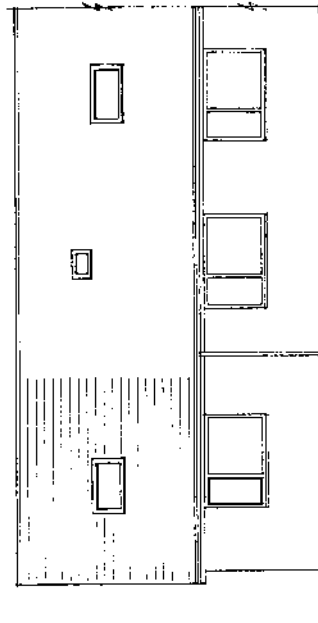
RECEIVED  
17 DEC 2002  
0002/1308



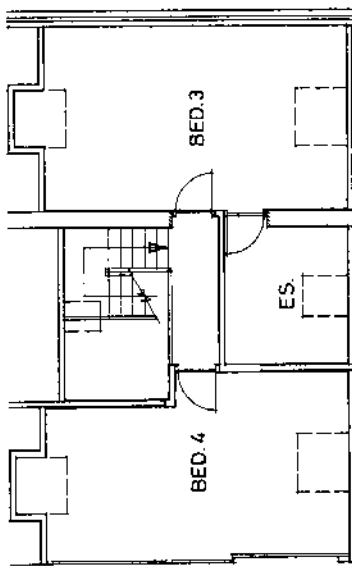
FRONT ELEVATION



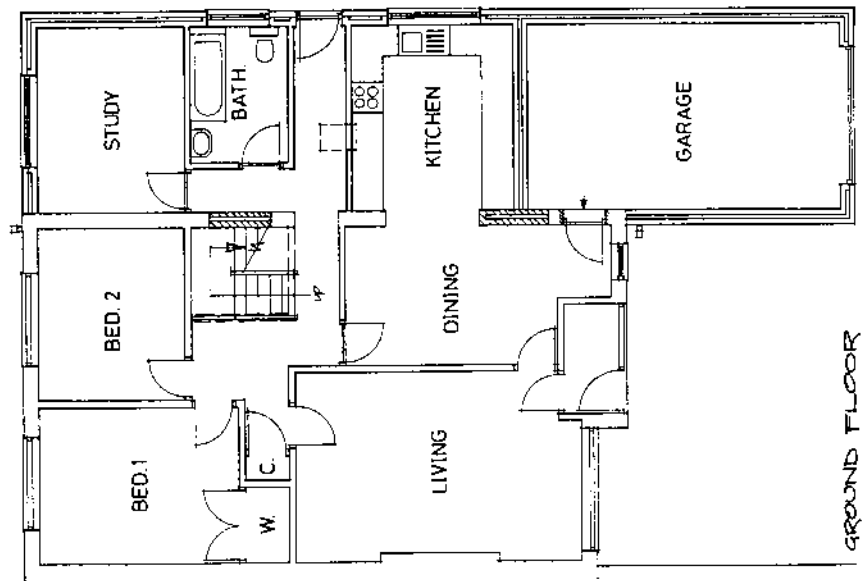
SIDE ELEVATION



REAR ELEVATION



FIRST FLOOR



GROUND FLOOR

RECEIVED  
11 DEC 2002  
2002/12/11

PROPOSED EXTENSION 37 NORTHWOOD CRESCENT - CARLISLE	
DRG. No. 1034/1 SCALE: 1-50 DATE: NOV. 2002	JACK BORDON ARCHITECTURAL SERVICES 47 SCOTLAND STREET CARLISLE, CUMBRIA TEL: 01276 543

37 Northwood Crescent 2 15.01.03.JPG





37 Northwood Crescent 3 15.01.03.JPG



## SCHEDULE A: Applications with Recommendation

02/1317

---

**Item No: 31**

Date of Committee: 31/01/2003

**Appn Ref No:**

02/1317

**Applicant:**

Paul Harrison & Janet  
Streeter

**Parish:**

Wetheral

**Date of Receipt:**

13/12/2002

**Agent:**

**Ward:**

Wetheral

**Location:**

Woodland Cottage, Cotehill, Carlisle, CA4 0EN

**Grid Reference:**

347980 550037

**Proposal:** Alterations and extensions to dwelling to provide kitchen, study/bedroom together with existing front porch to be replaced by conservatory

**Amendment:**

*Keith*

---

### Report

#### Planning Policies:

#### **Carlisle District Plan Housing - Proposal H14**

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

#### Summary of Consultation Responses:

**Cumbria County Council - (Highway Authority):** no objections.

**Wetheral Parish Council:** has the following observations:

1. the plans require explanation - the paperwork supplied is insufficient
2. the southwest elevation is missing from the proposed plans and there appears to be an alteration to this elevation
3. the PC has some concern regarding the velux windows but the plans provide insufficient explanation.

#### Summary of Representations:

The application has been publicised by press and site notice, expiry date 10 January 2003. No representations have been received.

## SCHEDULE A: Applications with Recommendation

02/1317

### Details of Proposal/Officer Appraisal:

#### **Planning History:**

An application for improvements to the dwelling, reference BA 7904, was conditionally approved on 21 May 1973.

#### **Details of Proposal:**

This application is reported to committee because one of the applicants is a member of staff in the Department of Environment and Development.

The application proposes:-

- 1 a 7.9m x 5.1m extension along the north western flank of the property comprising a study/bedroom with en-suite shower room and a relocated kitchen with a pitched roof over;
- 2 the replacement of a 2.75m x 2.65m flat roofed timber porch on the south western elevation by a 3.9m x 3.5m conservatory with a glazed roof;
- 3 a 2.5m x 1.0m extension to the porch on the north eastern elevation; and
- 4 the provision of a total of 8 no. conservation grade rooflights to improve lighting to existing and proposed rooms although it should be noted that the rooflights constitute permitted development and do not require planning permission.

Woodland Cottage is a detached single storey property remotely located on the western edge of High Stand plantation to the south east of Cotehill. It is accessed by an unmade track on the opposite side of which is its only immediate neighbour. A public footpath runs along the south eastern boundary of the site through the forest but is unaffected by the development proposed. There is a substantial beech hedge to the track frontage and the only open aspect of the property is to the south west.

As regards the observations of the parish council, the submitted application is complete, and whilst the plans may not be the easiest to follow, they detail all the proposed alterations, including the south west elevation. The rooflights are intended to improve daylighting to the cottage, which is understandable given its relatively dark woodland setting. The parish council does not elaborate on its concern regarding rooflights, but there would not, in my view, be any planning issue, even if consent were required. I have provided the parish council with additional information and any further comments they make will be reported at the committee meeting.

I consider that the development accords with the Local Plan policy on extensions to dwellings, there will be no demonstrable harm to any interests of acknowledged importance and recommend that planning permission be granted.

---

### Human Rights Act 1998

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

Article 8 and Article 1 Protocol 1 are relevant but the impact of the development will be minimal and unlikely to prejudice such rights.

---

### Recommendation: Grant Permission ✓

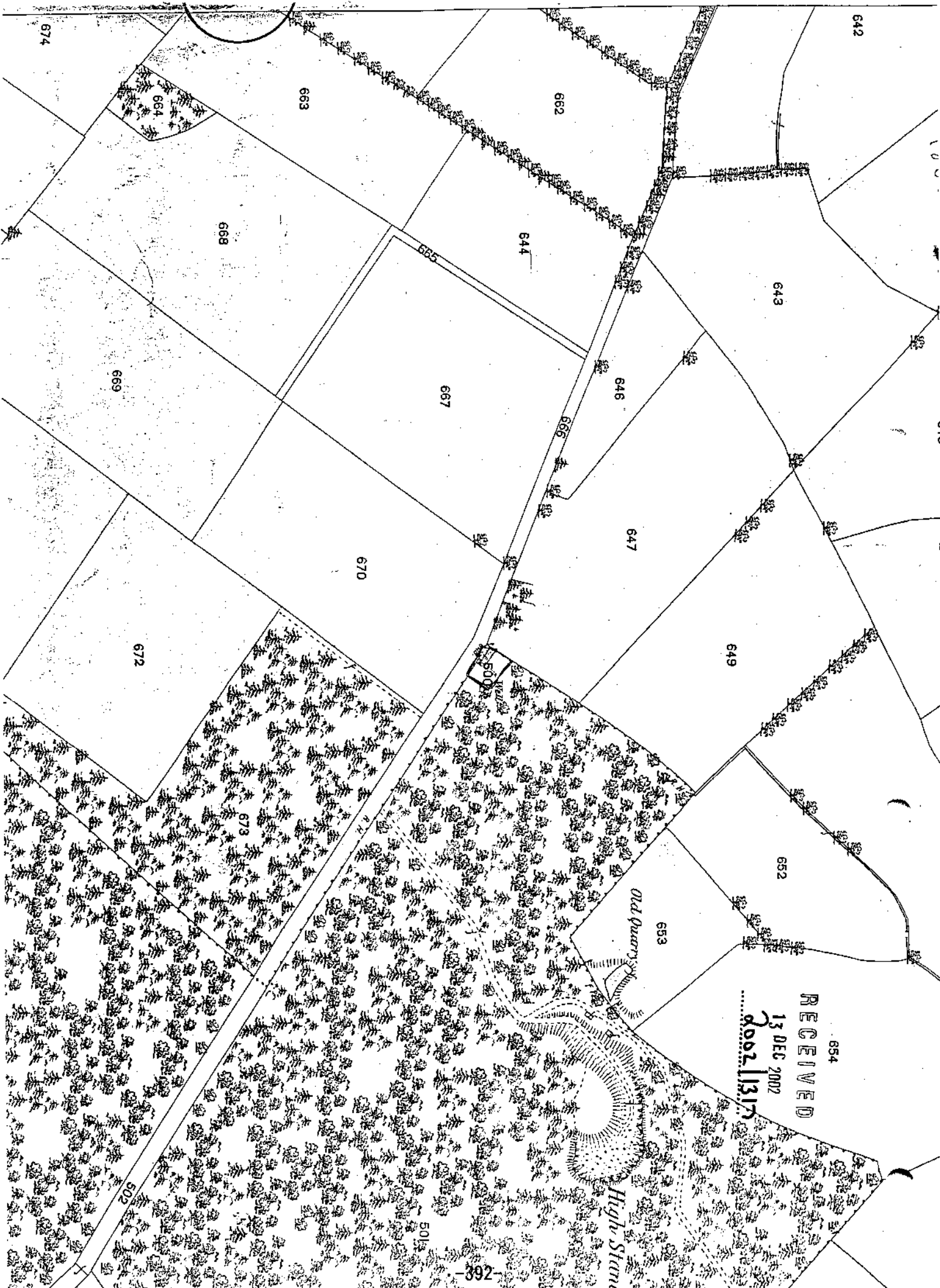
1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The external walling and roofing materials to be used in the building works hereby permitted shall be as indicated in the submitted application. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

**Reason:** To ensure the works harmonise as closely as possible with the existing building.

---



642

662

663

664

674

668

644

643

669

667

646

670

647

672

649

673

652

653

654

RECEIVED  
13 DEC 2002  
2002/13/17

Old Quarry

High Stann

502

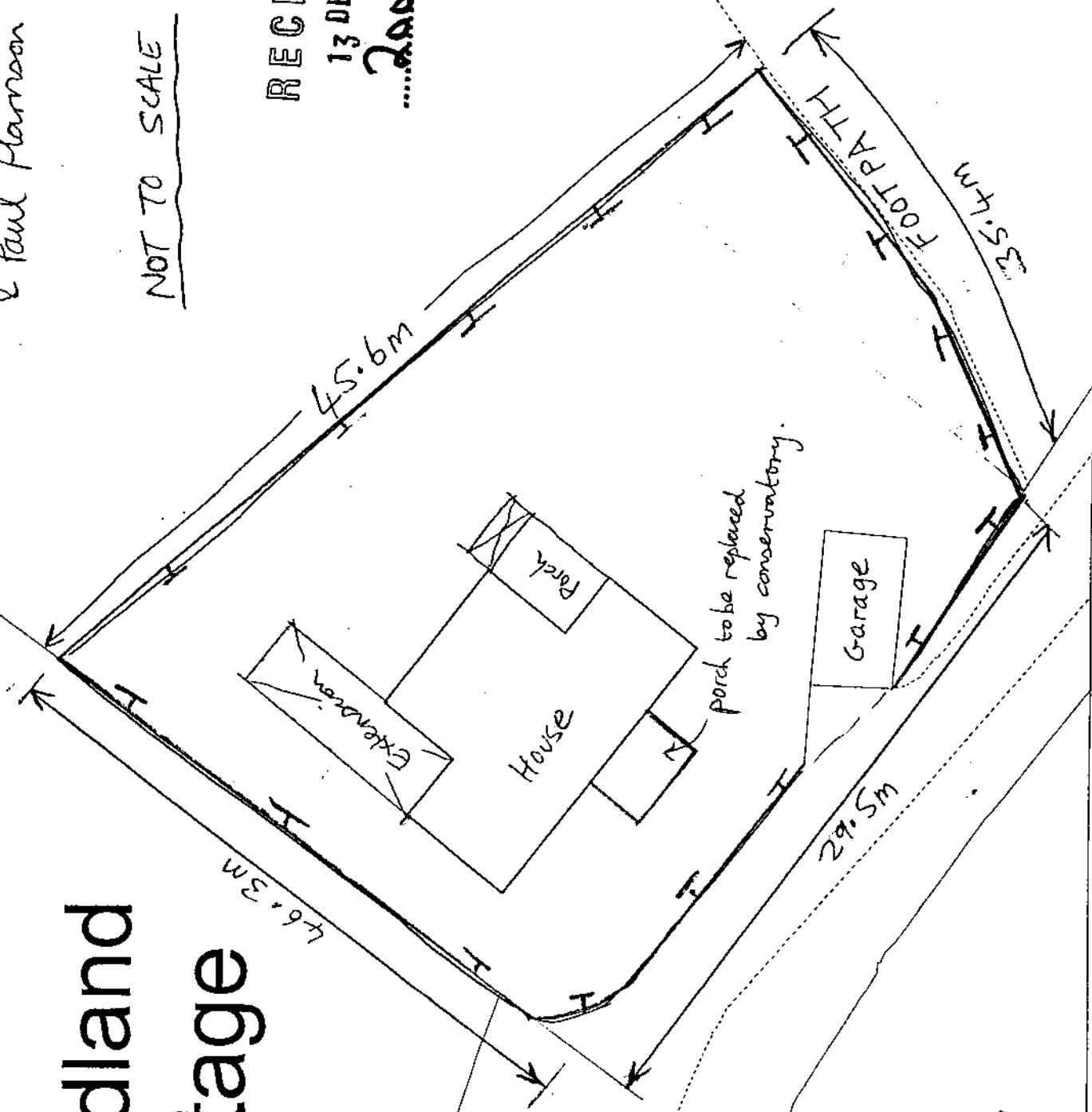
501

As measured by Colin Arnett  
& Paul Harrison 12/02/01.

NOT TO SCALE

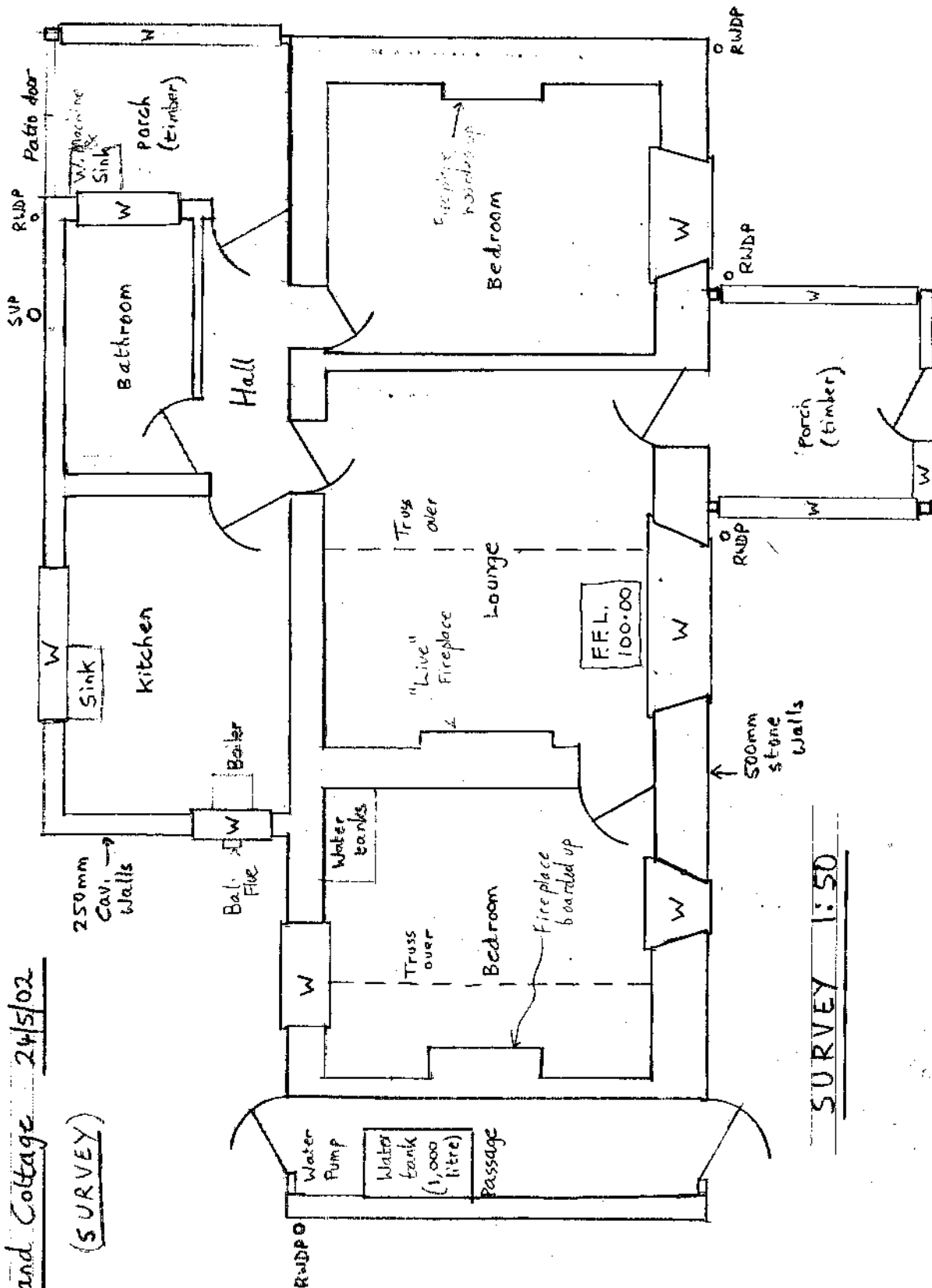
RECEIVED  
13 DEC 2002  
2002.113.17

# Woodland Cottage



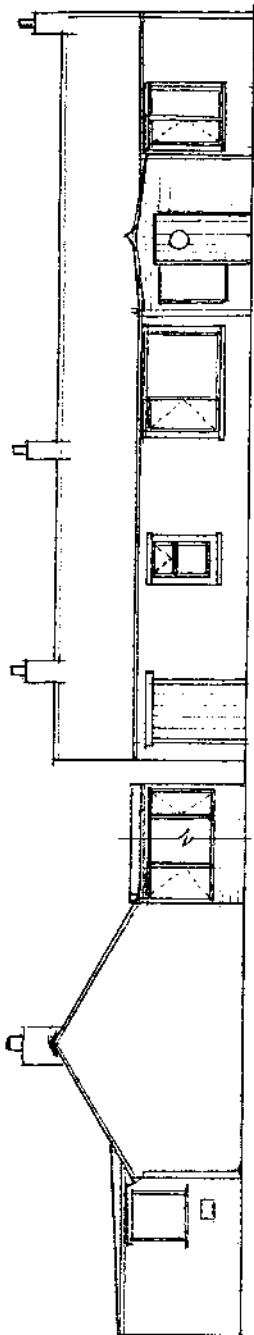
Woodland Cottage 24/5/02

(SURVEY)

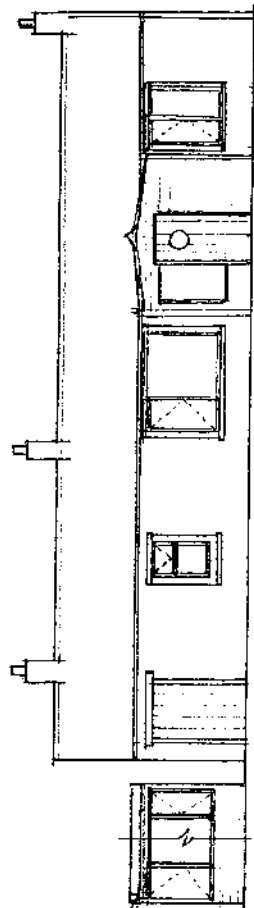


SURVEY 1:50

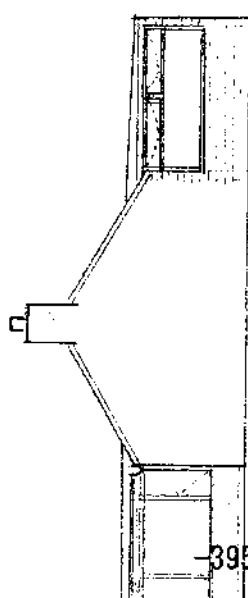
RECEIVED  
13 DEC 2002  
2002/1317



NW ELEVATION



SW (FRONT) ELEVATION



SE ELEVATION

WOODLAND COTTAGE  
EXISTING ELEVATIONS

1:100

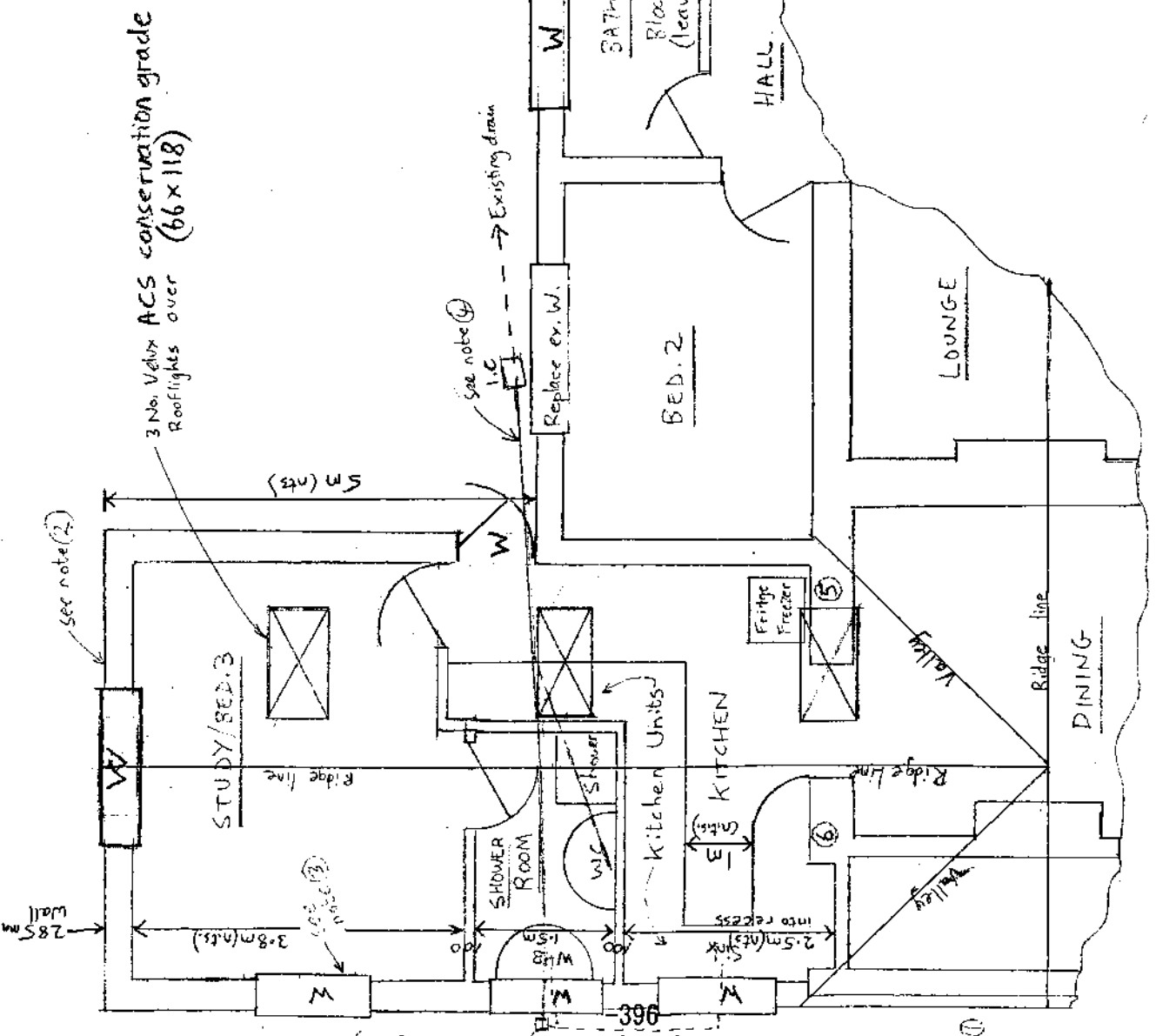
original house is stone,  
flat roof extension is brick  
all painted off-white with  
contrasting window and door  
surrounds. Porches in dark  
stained timber boarding.  
original roof in Westmorland  
slate (medium). windows  
aluminium, white PVC and  
dark stained h.w. mixture.  
front porch has "flat" slate  
roof.

RECEIVED  
13 DEC 2002  
.....2002.13.17



Woodland Cottage  
Proposed Plan for Extension

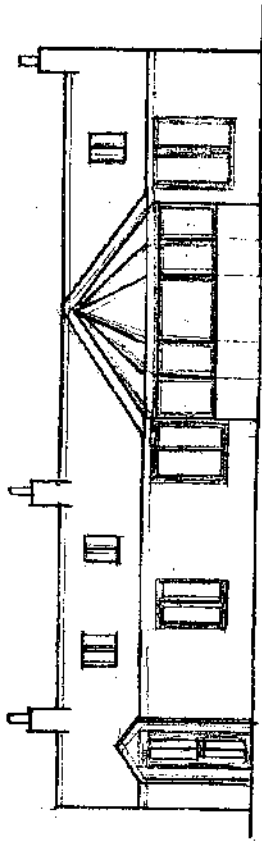
1:150 Scale



RECEIVED  
 13 DEC 2002  
 2002/1317

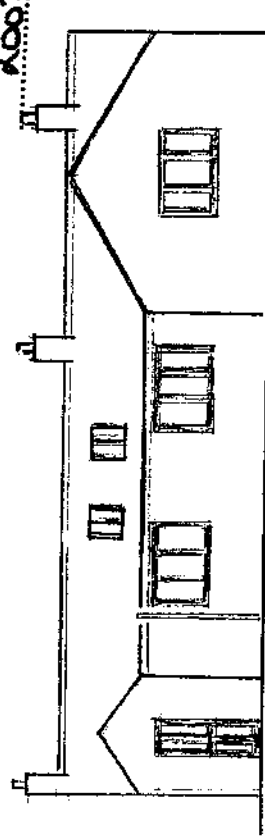
PROPOSED (1 of 2)

ELEVATIONS 1:100



FRONT (S.W.)

RECEIVED  
13 DEC 2007  
2002/1317



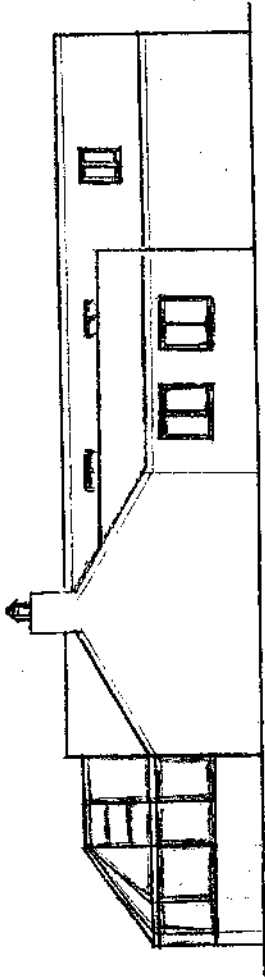
REAR (N.E.)

conservatory & windows in wood grain  
UPVC. Roof in slate to match  
existing. New walls rendered, with  
window surrounds, all painted to  
match existing. Velux ACS  
Conservation roof windows.

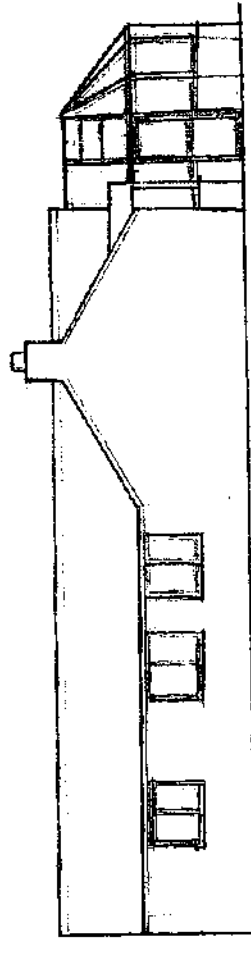
PROPOSED (2 of 2)

ELEVATIONS

1:100 scale



SIDE (S.E.)



SIDE (N.W.)

RECEIVED

13 DEC 2002

2002.12.17.

## SCHEDULE A: Applications with Recommendation

02/1342

---

**Item No: 32**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1342

**Applicant:**  
Story Construction

**Parish:**  
Carlisle

**Date of Receipt:**  
19/12/2002

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Belah

**Location:**  
Reiver Court, Kingstown Road, Kingstown, Carlisle,  
CA3 0AD

**Grid Reference:**  
339788 558179

**Proposal:** Erection of new water pump house and statue

**Amendment:**

*Alan*

---

### Report

#### Planning Policies:

#### Summary of Consultation Responses:

**United Utilities (former Norweb & NWW):** no response;

**Design Services - Drainage Engineer:** there is a foul sewer in the road that is suitable for foul connection but surface water cannot be accepted in that sewer. There is a surface water sewer at the rear of the new flats and connection to that would be acceptable;

**Cumbria County Council - (Highway Authority):** no objections;

**Environment Agency (N Area (+ Waste Disp)):** no comment.

#### Summary of Representations:

A Site Notice has been posted and nearby neighbours notified by letter. There have been no representations.

#### Details of Proposal/Officer Appraisal:

##### **Planning History:**

The Border Court site is familiar to Members from a number of planning applications considered in recent years.

It will be recalled that the site was for many years occupied by a petrol filling station

## SCHEDULE A: Applications with Recommendation

02/1342

together with a caravan sales/ repair/refurbishment business. That latter use was displaced by use for car sales dealerships by a series of different occupiers. Adjacent to the northern site boundary was a bungalow (Lakestones) while a separately occupied flat above the showroom/workshop over the former "Border Caravans" premises is still in occupation.

In 1983 planning approval was obtained for the redevelopment of part of the site to provide a motel complex with squash courts and a swimming pool together with the refurbishment of the showroom/workshop to provide a restaurant and inn. A further application to erect single storey bedroom units, two squash courts, a swimming pool and gallery and to convert the showroom/ workshop into club rooms was approved in December 1984.

Neither of these approvals was implemented and the filling station and bungalow remained in their original use with the rest of the site being used for activities associated with the motor trade for many years thereafter.

In September 1994 a detailed application to re-develop the site for a non-food retail warehouse to be occupied by Matalan was refused. An Appeal against that decision was dismissed in July 1995.

In October 1998 a detailed planning application to develop the northern portion of the overall site to provide a "Living Well" Health and Fitness Centre was submitted. That application also indicated the likely development of the southern section of the site as an Hotel/Travel Inn type of facility intended to be undertaken as "Phase 2" of the site's comprehensive development.

The Health and Fitness Centre approval has been implemented and has been operating for many months. However, the initial interest from hotel operators failed to materialise and in May 2000 the developers submitted a detailed application seeking full planning consent for a development of 3 small retail units and a freestanding restaurant unit and associated car parking. Members will recall that that application, comprising circa 12,000 sq ft floorspace overall and incorporating some additional land proposed to be acquired by purchasing sections of two neighbouring gardens at numbers 40 and 42 Kingstown Road, was approved in August 2000. The approval was subject to a number of planning conditions.

In December 2000 a further planning application was submitted seeking approval for a reduction in the floorspace of what was intended to be unit C and a sub-division to form 2 smaller units within that area. That application was approved in February 2001 subject to 10 planning conditions.

Members may also recall that an application submitted by the "Living Well" Health and Fitness Centre to form a pedestrian link between the rear of their car park and the adjacent Morrisons' car park was approved in December 2000.

In June 2001 a revised layout and car parking scheme for the commercial development of this site was approved but in the event the developers were unable to proceed with their proposals and the site was placed on the market.

## SCHEDULE A: Applications with Recommendation

02/1342

In June 2002 planning permission was granted for the site's redevelopment for housing. That scheme, for 33 flats with garages and car parking, is now under construction.

### Details of Proposal:

Members may recall that the detailed plans of the proposed flats being built at Border Court were initially designed to incorporate a statue that was to be positioned above the entrance canopy to the block facing onto Kingstown Road.

Subsequently, however, as detailed design has progressed it became apparent that it was impractical for the statue to be located in that position. The concept of a new piece of sculpture as an item of public art has, however, remained with the developers and they have now formulated an alternative proposal that sites the statue (of a Border "reiver") on a stone plinth surmounting the brick faced water pump house that is required for the development. The new pump house will be sited on the frontage of the site, at the base of the bank leading to Kingstown Road but would extend rearwards to the back of the footway.

The pump house would be 4.3 metres high at its front (facing into the site) but its rear (Kingstown Road) would extend 3.4 metres high. It would have a curved form on the roadside but in overall terms would be U-shaped on plan.

The proposed statue is a bronze figure of a Reiver and is proposed to be positioned on the "drum" section of the pump house. The figure is 3 metres high with a further 400mm at its base so it will be a prominent feature of the street scene.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

## SCHEDULE A: Applications with Recommendation

02/1342

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

There is no conflict with the Act.

---

**Recommendation:** Grant Permission ✓

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building(s) have been submitted to and approved by the local planning authority. Such details shall include the type, colour and texture of the materials.

**Reason:** To ensure that materials to be used are acceptable.

---



Revision Date Description Reviser Checked by

# ARCHITECTS

**P** **L** **V** **S**

Victoria Graham, Michael Hume, Nicholas Vassilakis, Corinne Compton, KATELAN  
 Corinne 01223 131744, Michael 01441 203443, Nicholas 01441 203443, Corinne 01223 131744  
 e mail: ap@architectplus.co.uk

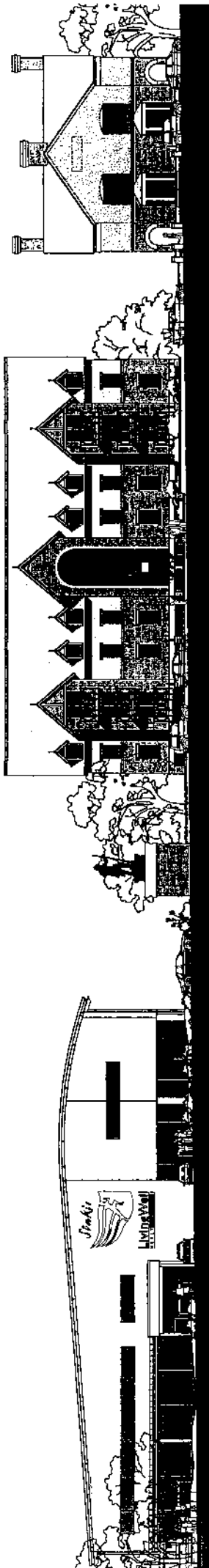
Project: **BORDER COURT  
 STORY HOMES  
 LOCATION PLAN**

17 JUL 2008  
*Richard J. J. J. J.*

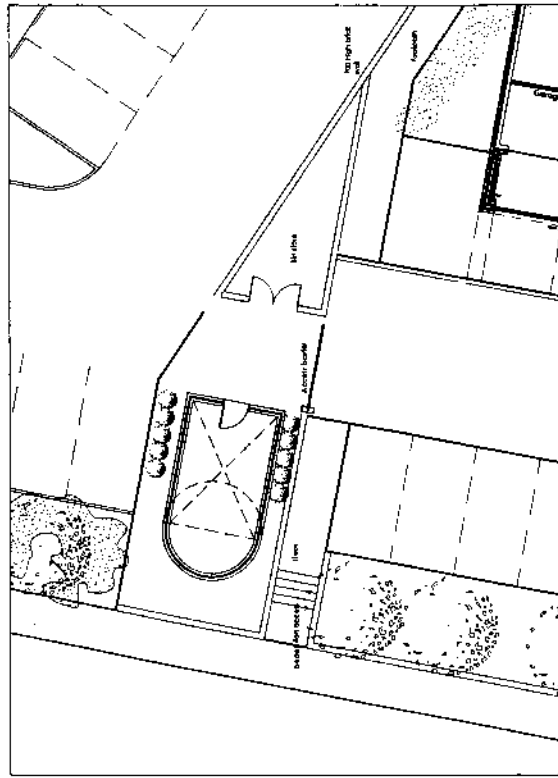
Scale: 1:1250 Date: 04-02 Drawn: [initials] Comp No: [blank] Checked: [blank] Number: 02017-08

The drawing is copyright. Any unauthorised use is prohibited. The drawing is for information only. It is not to be used for construction. Any discrepancy must be reported to the project manager immediately.

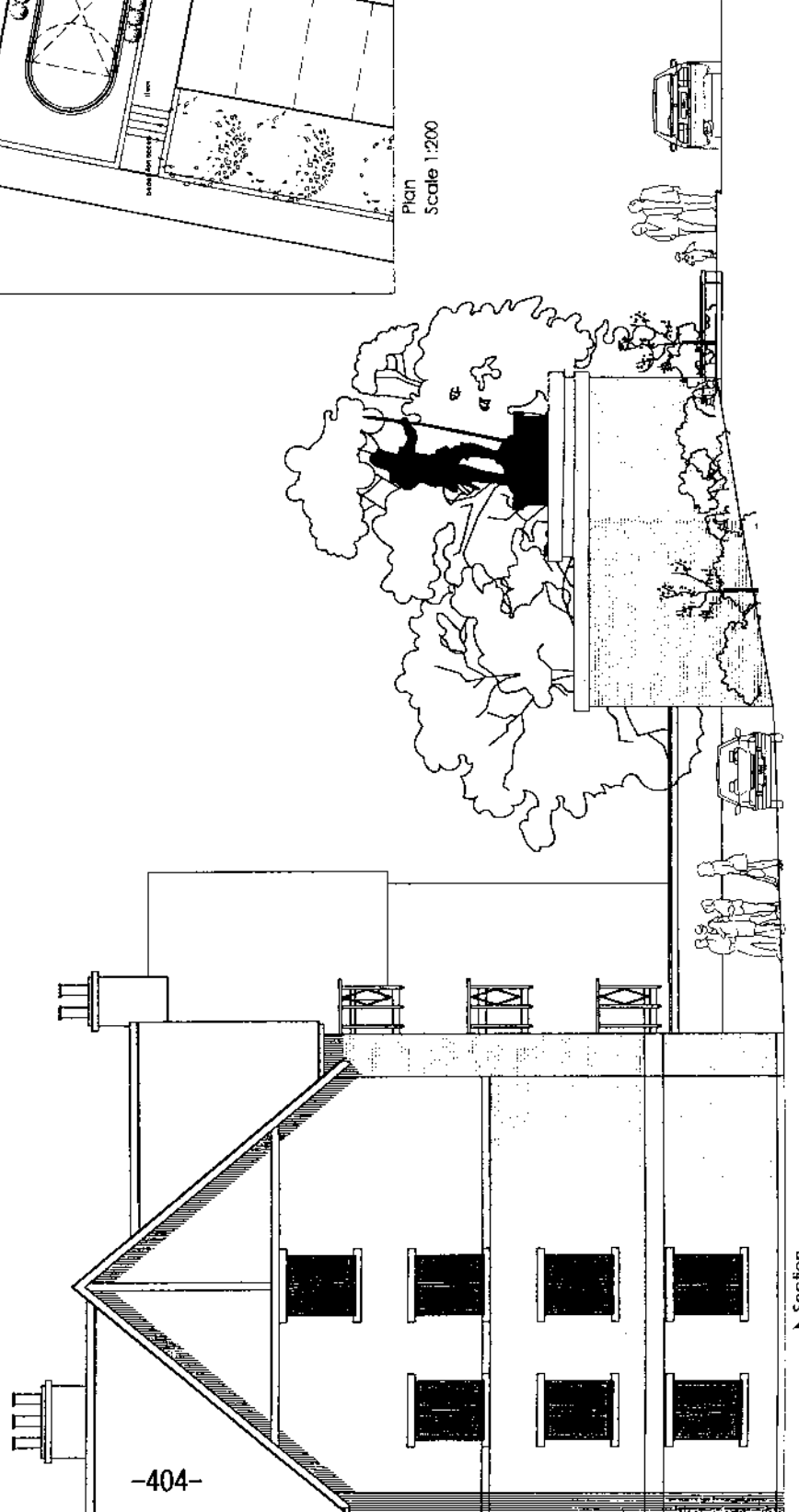




Kingstown Road Elevation  
Scale 1:200



Plan  
Scale 1:200



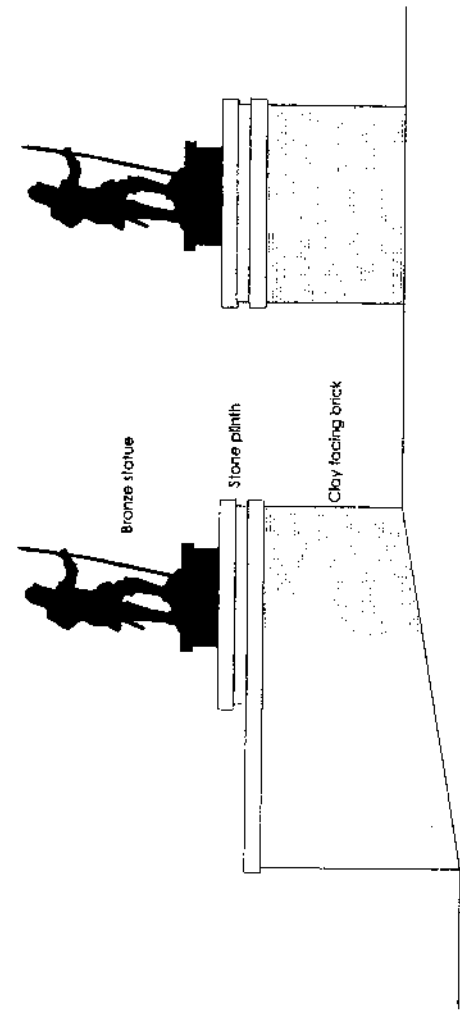
Section  
Scale 1:100

Project: 18/13/07  
Date: 18 DEC 2002  
Architects: ARCHITECTS  
No. 18/13/07  
Project: 18 DEC 2002  
No. 18/13/07  
Project: 18 DEC 2002

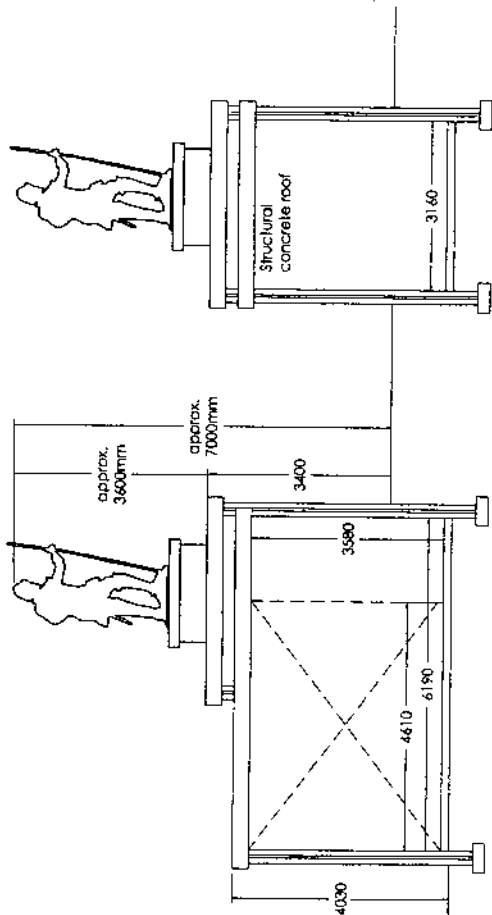
Victory Drive, Victoria House, 18/13/07  
Scale 1:200 1:200 1:200  
a.m.d. architectural.com

BORDER COURT  
STORY HOMES LIMITED  
Drawing: REVER COURT STATUE  
ELEVATIONS  
Scale: 1:200  
Date: 12/02  
Comp. No.: 02017-30A  
Checked: [Signature]  
No. 02017-30A

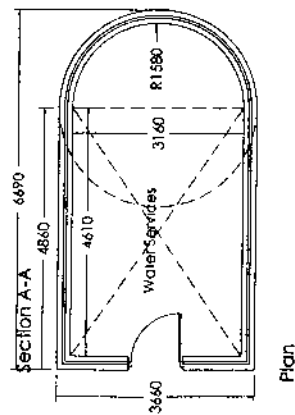
No. 02017-30A  
Checked: [Signature]  
No. 02017-30A



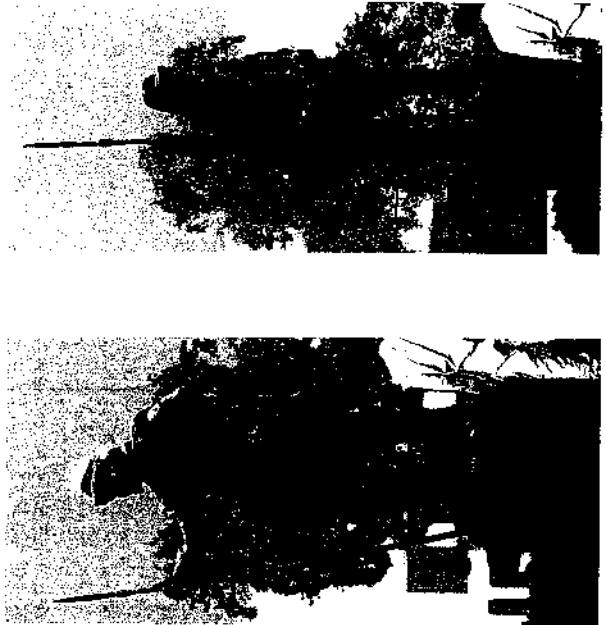
Elevation



Section A-A



Plan



Section Page Description Drawn by Checked by  
**ARCHITECTS**  
 Victoria Gardens, Victoria Homes, 16 Stone Vase Road, Camberley, Surrey, GU10 2JN  
 Contact: 01252 876100  
 Email: [approach@vha.co.uk](mailto:approach@vha.co.uk)

Project: **BORDER COURT**  
 Client: **STORY HOMES LIMITED**  
 Drawing: **REVER COURT STATUE**  
**PLANS, ELEVATIONS AND SECTIONS**  
 Scale: 1:100 Date: 04-02 Drawn: Checked: Number: 02017-31A

This drawing is issued for the information of the client and is not to be used for construction purposes. It is the responsibility of the client to ensure that the drawing is used for the intended purpose. The architect is not responsible for any errors or omissions in this drawing.

**SCHEDULE B**

**SCHEDULE B**

**SCHEDULE B**

**SCHEDULE B**

**SCHEDULE B**

**SCHEDULE B**

## SCHEDULE B: Reports Requiring Further Information

02/0424

---

**Item No: 33**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/0424

**Applicant:**  
J A Bowman (Hexham) Ltd

**Parish:**  
Brampton

**Date of Receipt:**  
17/04/2002

**Agent:**  
Taylor & Hardy

**Ward:**  
Brampton

**Location:**  
L/A, Sawmill, Sawmill lane, Brampton

**Grid Reference:**  
353177 561505

**Proposal:** Residential development (outline)

**Amendment:**

---

### Report

#### Planning Policies:

##### **Airport Safeguarding Area**

##### **Public Footpath**

The proposal relates to development which affects a public footpath.

##### **Carlisle District Plan Employment - Proposal EM2**

Within Primary Employment Areas proposals for B1, B2 and B8 uses will be acceptable. Permission will not be given for redevelopment or changes of use within such areas for other purposes. Exceptions may be permitted where:

1. The existing use of the site adversely affects or could adversely affect adjacent residential properties; or
2. The proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
3. The alternative development would be appropriate in terms of scale and design to the surrounding area, and the amenity of adjacent properties would not be prejudiced.

##### **Carlisle District Plan Housing - Proposal H2**

Within the Primary Residential Areas defined on the inset maps for Carlisle, Brampton, Longtown and Dalston, proposals for new residential development will be

## SCHEDULE B: Reports Requiring Further Information

02/0424

acceptable provided that:

1. Existing areas of open space and other amenity areas are safeguarded; and
2. The proposed development does not adversely affect the amenity of adjacent residential property; and
3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and
4. Satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity.

Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

### Summary of Consultation Responses:

**Cumbria County Council - (Highways Authority):** The highway authority objected to the application as submitted (i.e. 22 dwellings) because the unadopted Sawmill Lane is inadequate in terms of width and lack of foot way to cope with this number of dwellings. Views on the amended scheme for 17 dwellings are awaited.

**Brampton Parish Council:** In relation to the original submission, the Parish Council had no objection in principle but objected to the use of Sawmill Lane as the sole access. The Parish Council has now responded to the revised plan, stating that permission should only be granted if it is possible to provide footpaths on both sides of the lane with a carriageway wide enough for two way traffic. There are still concerns about the safety of schoolchildren, and it is suggested that Sawmill Lane should be extended through to Stanley Road to allow one-way traffic along the lane.

**Cumbria County Council (Strategic Planning Authority):** No observations.

**Civil Aviation Authority:** The application is in outline and comments are therefore reserved until reserved matters are submitted.

**Ramblers Association:** No objection.

**Design Services - Drainage Engineer:** The site is served by private drains and the nearest connection point to the public sewer is some 200 metres away.

**Environment Agency (N Area (+ Waste Disp)):** No objection in principle, but conditions recommended to deal with possible on-site contamination.

## **SCHEDULE B: Reports Requiring Further Information**

02/0424

**Council for Protection of Rural England:** The C.P.R.E. objects to this application because it involves development on a site on the edge of Brampton, which lies at its outer edge on a greenfield, thereby conflicting with the requirements of P.P.G.3.

**Brampton Junior School:** The school objects to the application because the increased traffic along Sawmill Lane would cause conflict with pedestrians, particularly school children on their way to school, and the dangers thereby created outweigh any benefit from the scheme.

### **Summary of Representations:**

This application was advertised by means of press and site notices and neighbour notification. Five letters of objection were received to the original submission. These all objected to increased traffic along Sawmill Lane arising from the development. Following re-consultation on the revised proposal for 17 dwellings, one letter has been received reiterating the objection.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

The site has been used as a sawmill for many years, and in January 2002, a Certificate of Lawful Use was granted for this use.

#### **Details of Proposal:**

Outline planning permission is sought for residential development at the Sawmill, Sawmill Lane, Brampton. The site, which has been used as a sawmill for many years, extends to 1.07ha. It is located at the eastern end of Sawmill Lane, an unadopted lane which leads from Union Lane. It is adopted as far as the entrance to the primary school, beyond which it has a tarmac surface but no foot ways. Three residential properties to the south of Sawmill Lane use this as a vehicular access. To the north and east of the site are houses in Berry Moor Road and Stanley Road.

The site includes the sawmill building and the surrounding yard which was used for storage. The land slopes up to the south and there is an additional area in the applicant's ownership which is outside the site. Also included in the site is a small paddock between the sawmill itself and the nearest dwelling.

The proposal as submitted was accompanied by an indicative layout showing 22 dwellings. Following an objection from the highway authority (see consultations), an amended layout for 17 dwellings has now been received.

The two principal issues related to this application are firstly the principle of residential development on this site and the access to the site and associated highway issues.

The sawmill itself is allocated in the Brampton inset of the Carlisle District Plan for employment purposes, where policy EM2 is relevant, while the adjacent paddock is

white land.

Policy EM2 contains a presumption against redevelopment of an existing employment sites. However, in this particular case, although the sawmill has been present for many years, the access to the site along Sawmill Lane past the school and residential properties has never been ideal. If the site were to be re-used or redeveloped for employment purposes, it follows that there would be significant commercial traffic flows along the lane, and in officers' view this would be more dangerous and detrimental to amenity than the current proposal for residential use. It is therefore considered that an exception to Policy EM2 is justified and there is no objection in principle to the proposal.

Members will note that the C.P.R.E. have also commented on this aspect of the application. Essentially their argument is that the site is on the edge of the built-up area and part of it should be regarded as greenfield, where there should be a presumption against development. In fact, the rear site boundary has been drawn in an attempt to include only the land within the operational area of the sawmill, i.e. the buildings and adjacent storage area. Although the adjacent paddock is a greenfield, it fills a relatively small gap between the sawmill and the adjacent dwelling, and officers do not consider this objection to the proposal is valid.

As far as the traffic issue is concerned, the amended layout for 17 houses was submitted following a site meeting with representatives of the highway authority. It is intended to reflect the maximum number of houses permissible, given the existing dimensions and capacity of Sawmill Lane, and consistent with the Design Guide, and taking into account the existing dwellings in Sawmill Lane. In this regard, the intention is that the lane would be regarded as a shared surface road which does not require a separate foot way. The highway authority's view on the amended proposal is awaited. The lane is also a public footpath. This will be taken into account by the highway authority, but it will be noted that the Rambler's Association have no objection to the proposals.

Another issue relevant to this application is that in view of its previous use, the site is likely to be contaminated. A condition requiring this to be investigated and dealt with should be attached to any permission granted.

To summarise, therefore, the proposal to redevelop the site for residential is regarded as acceptable in principle, but the highway authority's view on the revised proposal for 17 units is required before the application can be considered.

---

### Human Rights Act 1998

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

## SCHEDULE B: Reports Requiring Further Information

02/0424

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This application could have implications for Article 8 of the Human Rights Act. This should be borne in mind when a decision is made.

---

### Recommendation:

#### Reason for including report in Schedule B

(SV)

A recommendation cannot be made in respect of this application because the view of the highway authority regarding the amended scheme for 17 dwellings are awaited.

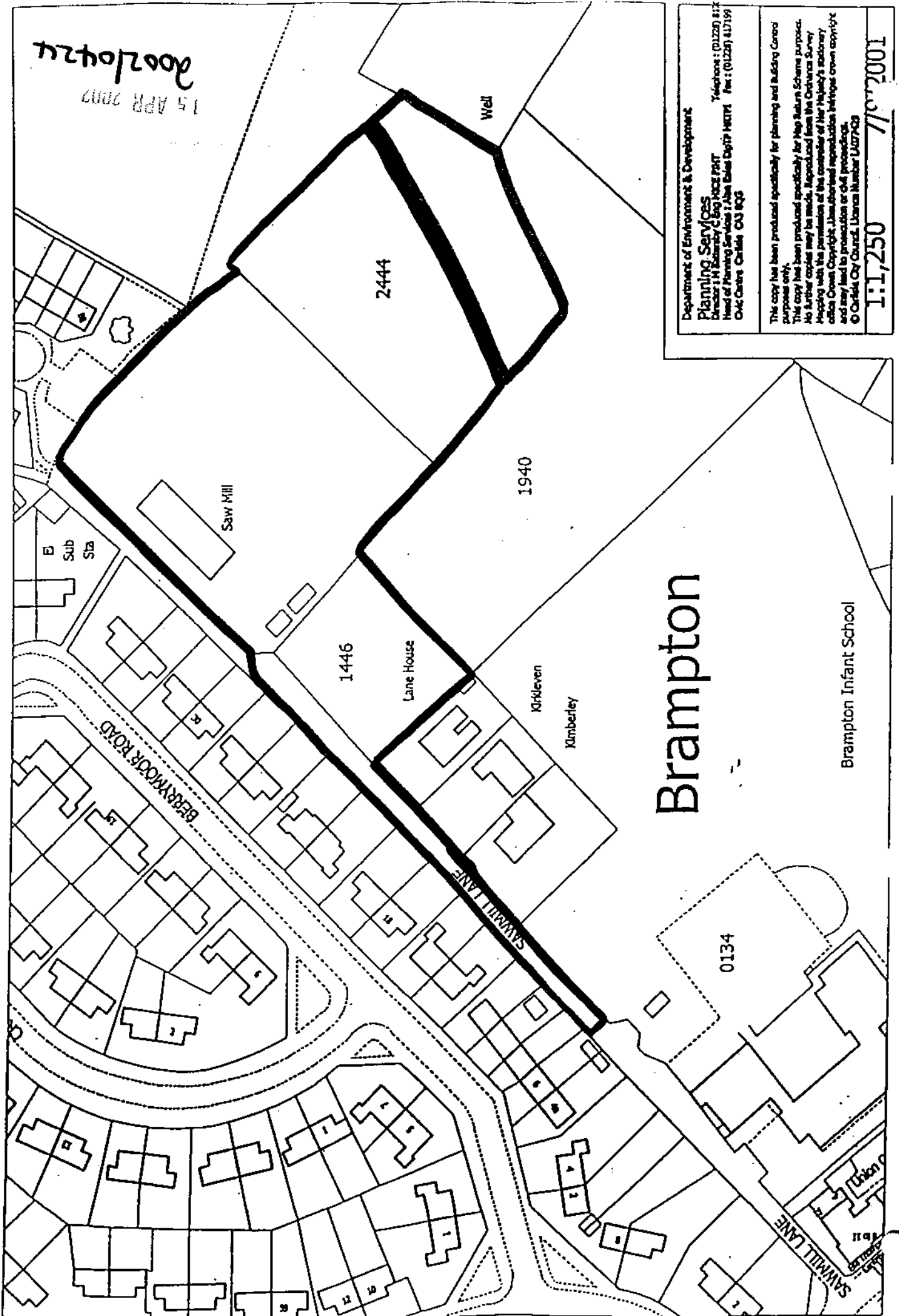
---

~~Defer~~ :

1) changes reqd by Highways not provided.

Supp. Page 52/54 - obj letter

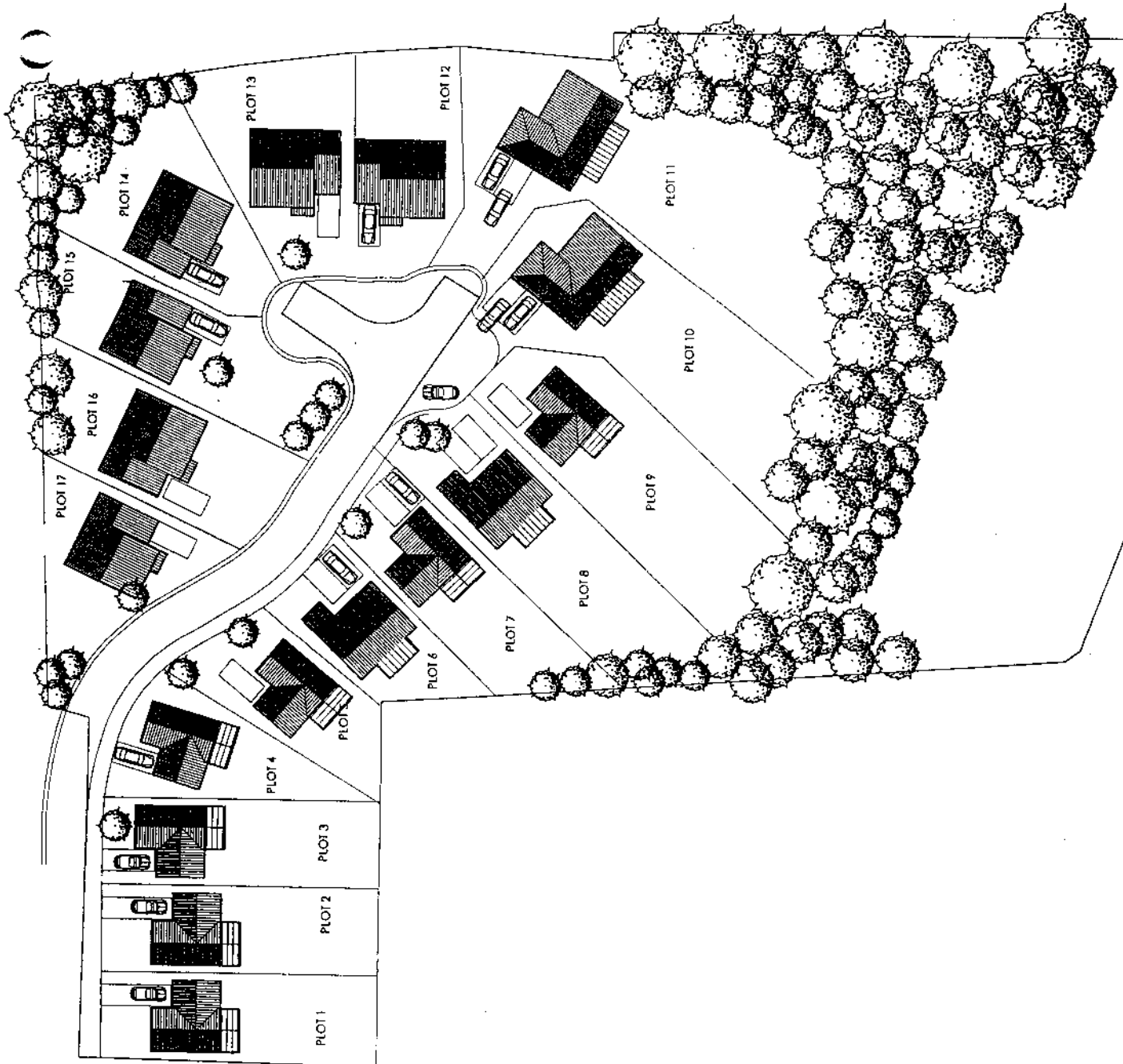




Department of Environment & Development  
**Planning Services**  
 Director: M. Murray C. (905) 874-7577 Telephone: (905) 874-7577  
 Head of Planning Services: Alan Eales D. (905) 874-7577 Fax: (905) 874-7577  
 Civic Centre, Ontario, Canada L6Y 4R2

This copy has been produced specifically for planning and Building Control purposes only.  
 This copy has been produced specifically for Map Return Scheme purposes. No further copies may be made. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes crown copyright and may lead to prosecution or civil proceedings.  
 © Canada City Council, License Number U437439

1:1,250 7/10/2001



Revision    Date    Description    Prepared by    Checked by

# ARCHITECTS

**P L M S**  
 Victoria Gardens, 1st Floor, Victoria Street, Cambridge, CB3 9AN  
 Cambridge CB3 9AN, UK    Tel: 01223 313141    Fax: 01223 313142  
 e-mail: [ops@architectplms.co.uk](mailto:ops@architectplms.co.uk)

## REDEVELOPMENT OF BRAMPTON SAWMILL

### LAYOUT 3

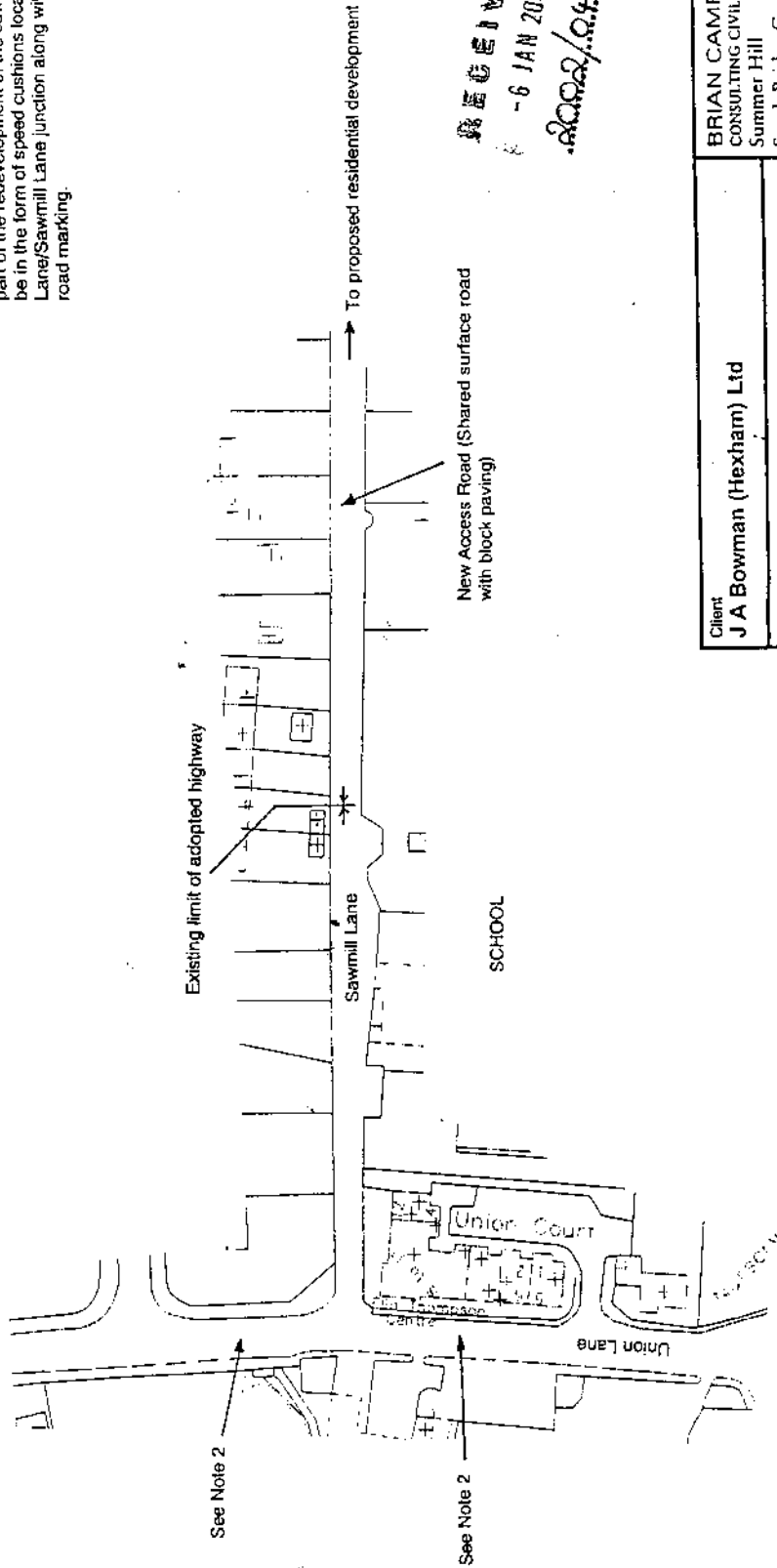
Scale: 1:500    Date: 12-02-02    Drawn: [initials]    Checked: [initials]    Number: 020022-048  
 19 DEC 2002  
 020022-048

This drawing is copyright. All rights reserved. It is to be used only for the project and site for which it is prepared. Any reproduction or use for any other project without the written permission of the architect is prohibited.

Notes:

- New Access Road**  
 The section of new access to the proposed residential development on the sawmill site to be constructed to adoptable standards as a "shared surface road" in accordance with the Cumbria County Council's "Cumbria Design Guide".

Traffic calming measures would be included along the section of new access road in accordance with the Design Guide. These measures would be in the form of road humps or speed tables, with one located at the southern end of the new section of road, near to the entrance to the school.
- Traffic Calming on Union Lane**  
 Traffic calming measures would be undertaken on Union Lane as part of the redevelopment of the sawmill site. The measures would be in the form of speed cushions located on either side of the Union Lane/Sawmill Lane junction along with the necessary signing and road marking.



REVISED  
 - 6 JAN 2003  
 B.C.C. / 0.4.2.4

Client <b>J A Bowman (Hexham) Ltd</b>	<b>BRIAN CAMPBELL ASSOCIATES</b> CONSULTING CIVIL ENGINEERS Summer Hill Spark Bridge Cumbria LA12 7SS Telephone & Fax: 01229 861 090	
Project <b>Proposed Redevelopment of the Brampton Sawmill, Sawmill Lane, Brampton</b>	Drawn: BRC	Date: 16/12/02
Drawing Title <b>Access to Proposed Residential Development / Proposed Treatment</b>	Reference BCA/080	Drawing No. SK/080/01
Scales: 1:1000		Checked: BRC
		Rev.

Based on a plot produced under Crown Copyright 2002.  
 All rights reserved. Licence Number 100020448.  
 Scale 1:1,000

# friends OF THE LAKE DISTRICT

Head of Planning Services  
Department of Environment & Development  
Carlisle City Council  
The Civic Centre  
Carlisle,  
Cumbria  
CA3 8QG

PLANNING SERVICES	
REF: 02/0424	
24 MAY 2002	
RECORDED	
SCANNED	
PASSED TO	CPH 22nd May 2002
ACTION	

Murley Moss  
Oxenholme Road  
KENDAL  
Cumbria  
LA9 7SS  
Tel: 01539 720788  
Fax: 01539 730355  
E-mail: info@fld.org.uk  
www.fld.org.uk

Dear Sir

**Town and Country Planning Act 1990.  
Planning Application 02/0424.  
Residential development.  
Sawmill, Sawmill Lane, Brampton.**

We refer to the above planning application.

FLD would accept that the site is reasonably well related to the existing built up part of Brampton. However, it lies at its outer edge on a greenfield site. The site is also not allocated in the Local Plan, and would produce a potential for 16 new dwelling units in the village. A separate site at William Howard Lower School had been allocated, with the potential to provide approximately 25 dwellings in the village up until 2006.

We note that Policy H2 of the Local Plan is applicable, which allows new residential development in Brampton provided that existing areas of open space and other amenity areas are safeguarded; existing residential amenities are not harmed; and that the proposed development complements or enhances existing adjacent residential areas. Arguably in our judgement, the application site does currently provide an important area of open space – a functional lung – that enhances the character and amenities of the village. From this point of view, arguably the development could fall foul of the criteria in Policy H2.

FLD has referred in previous representations for greenfield site developments elsewhere in the recent past to the strict requirements of PPG3 (March 2000). These representations seem to have been either largely ignored or dismissed by the Council's Planning Officer's in their assessment of other similar planning applications. Officer's justification for granting planning permission for those other schemes seems to have been based exclusively on Local Plan Policy H2 and H5. We would argue that PPG3 supersedes the Local Plan Housing Policies, since the Local Plan had been adopted as long ago as September 1997, and PPG3 was issued more recently in March 2000. This opinion has been supported by Planning Inspectors in similar cases throughout the country, where the Local Plans had pre-

**President:**

Sir John Johnson KCMG

**Vice Presidents:**

Sir Chris Bonington CBE  
K S Himsworth CBE  
Lord Chorley  
Graham Watson MBE

**Chairman:**

Robin Barratt

**Hon. Treasurer:**

Ken Andrews

**Director:**

Ian Brodie

**Policy Officer:**

Jan Darrall

**Planning Officer:**

Graham Hale

**Membership Secretary:**

Jane Walton

**Assistant Policy Officer:**

Martin Varley



dated PPG3, and which has led to those appeals being dismissed on PPG3 grounds. FLD has copied example appeal decisions to the Head of Planning Services to illustrate the point. The fact is the current application site is not allocated, and comprises a greenfield. Even if it were allocated, the Planning Authority would still be required to assess the application in full accordance with PPG3.

It is our view that at the very least PPG3 is saying planning permission should not be granted for windfall development on greenfield sites, where there is no demonstrable 'need' in terms of the housing requirements for the District up until 2006. Only where there is a clear planning case that there is an insufficient supply of housing land available to satisfy existing housing requirements in the Plan period, should additional land be brought forward for development. In essence, the Government is saying that unallocated greenfield development can only come forward in exceptional circumstances. Paragraph 36 in PPG3 is highly significant in this regard, where it clearly states that no allowance should be made for greenfield windfalls. At best, FLD would argue that such additional windfall sites should be justified through the Local Plan process, as an update of the Plan through the plan, monitor and manage approach.

If however it can be proven there is a demonstrable housing 'need' because there is an inadequate supply of housing land, then the Authority must still assess the development set against the remaining parts of PPG3. These comprise the five tests in paragraph 31, the sequential approach and the results of an up-to-date Urban Housing Capacity Study (UHCS), together with the advice contained in 'Tapping the Potential' (DETR). Furthermore, the Planning Authority must take account of the higher densities (between 30-50 du/ha) now required by PPG3. That will also impact upon the acceptability of existing housing allocations as well as new applications.

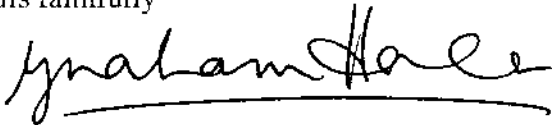
PPG3 has a logical, methodological approach that means a Planning Authority cannot be selective over which elements of PPG3 they wish to incorporate or ignore. It is a much more comprehensive approach to assessing housing development. If part of that assessment is either missed out or ignored (for example the UHCS), it is then difficult to draw any proper planning conclusions and recommendations. This is clearly borne out and recognised in Planning Inspector's appeal decisions across the country, where Authorities have not for example provided an UHCS or missed out the sequential assessment.

From the evidence forwarded to FLD by Carlisle City Council on the supply of housing land in the District as at July 2001, there would seem to be no justification to bring forward for early release additional windfall greenfield sites. By our calculations, there is likely to be a surplus/oversupply of at least +253 du

in the rural areas up until 2006, and an overall District wide oversupply of +842 du (see FLD's representations submitted for application 02/196). It is our understanding therefore that the District has the benefit of a surplus of housing land supply to satisfy the current Structure Plan requirements. Hence the Planning Authority has a sound planning case to refuse planning permission on this basis alone, and which would be supported on appeal as evidenced by recent Inspector's decisions. Consequently, given the apparent healthy supply of housing land available, FLD would maintain that there can be no planning justification to grant planning permission for this greenfield, unallocated site in the light of the requirements of PPG3.

Please record these comments as those of *Council for Protection of Rural England (Cumbria association)*. We would be grateful if the contents of this letter are copied in full to the Planning Committee. We also wish to receive a copy of the Planning Officer's report in advance of the meeting and a copy of the eventual decision notice.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Graham Hale', with a horizontal line underneath it.

Graham Hale BA (Hons) MSc MRTPI  
Planning Officer

## SCHEDULE B: Reports Requiring Further Information

02/0914

---

**Item No:** 34

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/0914

**Applicant:**  
W Swainson

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
03/09/2002

**Agent:**  
Taylor & Hardy

**Ward:**  
Burgh

**Location:**  
L/A Field 3300 adjacent to Moorpark Farm,  
Thurstonfield, Carlisle

**Grid Reference:**  
332291 556767

**Proposal:** Erection of agricultural workers bungalow and formation of new access  
(outline)

**Amendment:**

*Richard*

---

### Report

#### Planning Policies:

#### **Cumbria & Lake District Joint Structure Plan Policy 13**

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

#### **Carlisle District Plan Housing - Proposal H6**

Within the remainder of the Plan area, outside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

#### **Carlisle District Plan Transport - Proposal T7**

The level of car parking provision for development will be determined on the basis of the following factors:

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;

2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

### **Carlisle District Plan Environment - Policy E9**

Landscaping schemes will be required for development permitted on the periphery of settlements in order to fully integrate the development with its settlement and the surrounding countryside.

### **Carlisle District Plan Environment - Policy E22**

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** Moorpark Farm is already served by two existing vehicular accesses. This proposal would involve the construction of a further vehicular access onto this fast stretch of Class II road.

To construct this additional access would further add to traffic turning movements and interfere with the free flow of traffic and thereby increase the risk of accidents.

A visibility splay of 215m x 2m x 215m would be required and this would involve the removal of a substantial length of hedge.

I would therefore not be in favour of the application as submitted.

If however the applicant can prove an agricultural need and you have no objection to the development I would advise that the existing westerly farm access be used to serve the proposed bungalow.

**Burgh-by-Sands Parish Council:** No objections provided that the turning space is within the boundaries of the farm.



## SCHEDULE B: Reports Requiring Further Information

02/0914

**County Land Agent (Capita dbs):** I visited the farm on the 22 January 2002 and sent you a copy of my report on the 14 February 2002 under your reference AMT/DC/01/0772. At that time I concluded that:

1. There was a clearly established functional need;
2. There was a labour requirement for just under three full time workers;
3. The business was financially viable;
4. The existing farmhouse satisfied the need to have one of those workers resident on the site.

Since January there have been a number of changes and the business has continued to expand. The major changes are:

- a. An increase in the area farmed from 90 ha to 114 ha due to the acquisition of extra land;
- b. An increase in livestock numbers to the following which are kept on the holding at the present time;

- 105 Dairy cows
- 35 In calf heifers
- 25 Bulling heifers
- 32 Cattle over 1 year old
- 61 Cattle under 1 year old
- 2 Bulls
- 12 Bull calves
- 400 Wintering sheep

As a result of these alterations, I have re-calculated the Net Farm Income and can confirm that the business remains financially viable and that the labour requirement has increased to around 3.8 full time workers. PPG7 requires this assessment to be based on the existing levels of stock. I understand it is proposed to increase dairy cow numbers further to around 120 to 130 and works are well advanced in the provision of buildings to accommodate these additional cattle. This will further increase the labour requirement.

I therefore conclude by advising that due to the increase area of the farm and the increased numbers of livestock kept at present, there is now a labour requirement of 3.8 full time workers on the Moor Park holding and it is reasonable to expect two of these workers to be resident on the Moor Park holding in the interests of the well being of the livestock, particularly during calving and for attention to young stock.

**Design Services - Drainage Engineer:** Comments as follows:

Surface water - I note that it is the applicant's intention to discharge surface water to an adjacent beck. The applicant must undertake full consultation with the Environment Agency in order to obtain the necessary consent.

Foul - The applicant is proposing to dispose of foul sewage via a septic tank and soakaway system. Assuming that this is a new system, percolation tests should be

## **SCHEDULE B: Reports Requiring Further Information**

02/0914

carried out to confirm the suitability of the ground conditions. Furthermore, the applicant needs to consult the Environment Agency in order to obtain the necessary consents.

If the foul discharge is to be to an existing septic tank/ soakaway system, checks should be carried out to confirm that it is capable of dealing with the additional flows proposed.

**Environment Agency (N Area (+ Waste Disp)):** Note letter Ref. N6335 from the Agency.

"Under the provisions of the above legislation you do not automatically require the formal consent of the Agency for this category of discharge. However, if it is necessary the Agency can exercise control over the discharge by the issue of a Prohibition Notice, which may prevent the discharge or allow it subject to conditions.

The Agency has assessed the potential impact of the proposed discharge and provided the proposal remains in accordance with the details you have submitted it should not pose a risk of contamination to underground or surface waters. It is therefore not our intention to serve a Prohibition Notice in respect of this discharge at this stage. However, if the circumstances change and pollution is caused, a prohibition Notice may be served in the future."

### **Summary of Representations:**

This application has been advertised by means of a site notice. At the time of writing this report no representations have been received.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

There have been several previous applications relating to the erection of agricultural buildings and carrying out of related engineering works at the farmsteading.

In January, 1981 planning permission was granted for the erection of a bungalow to replace the original farmhouse. That approval was subsequently carried out and the bungalow now functions as the farmhouse at Moor Park Farm.

Outline planning permission was refused for the erection of bungalow to house an agricultural worker on 15 March 2002, under application reference 01/0772.

#### **Details of Proposal:**

The current application has been submitted in outline form and seeks consent for the erection of a further agricultural workers dwelling and related vehicular access proposed in respect of a site fronting onto the Class II road to the north-east side of

## SCHEDULE B: Reports Requiring Further Information

02/0914

the Moor Park Farm, Thurstonfield, Carlisle.

The site is situated in the open countryside some distance from any settlement and thus falls to be considered under the provisions of Policy H6. It makes clear that proposals for new dwellings in these locations will only be acceptable where there is a proven agricultural or forestry need.

Planning permission was refused under application reference 01/0772 for the following reason:

"The proposed site lies within the open countryside some distance from the nearest settlement in a location where there is a general presumption against further residential development unless supported by a proven agricultural or forestry need. Although an essential need has been claimed for an additional dwelling at Moor Park Farm that need has been unable to be substantiated and consequently the proposal is contrary to the provisions of Policy H6 of the Carlisle District Local Plan."

Since this time, there have been a number of changes to the livestock numbers on the holding. The applicants have employed the services of Scholefield & Co. to submit a report detailing the changes in the circumstances of the applicant and the farm business, and argues that the principle can now be substantiated. A full copy of this document is reproduced following this report.

Both Policy H6 and Planning Policy Guidance 7 (The Countryside - Environmental Quality and Economic and Social Development) require that applications for agricultural workers dwellings are assessed by means of a functional and financial test.

As is normal practice with proposals of this nature, the County Land Agent (now part of Capita db) has been asked for observations on this application. A detailed appraisal of the holding, its extent, nature, stock, fixed equipment, labour requirements and current accommodation, etc. has subsequently been undertaken and it is reproduced in full after this Report.

The functional test applied by the County land Agent clearly demonstrates that it is essential for the proper functions of the enterprise for one or more workers to readily available at most times. Furthermore, the business is financially viable and the proposal will support recent investment and expansion of the business made by the applicant.

Policy guidance also requires that the siting of the building is well related to the farm steading and that the building is commensurate to the agricultural business. It is considered that in this regard, the proposal is acceptable. Other matters such as the scale, design and materials will be dealt with during the course of a subsequent application.

The applicant has submitted details of percolation tests which were undertaken on the proposed site. The results are currently with the Drainage Engineer for comment.

## SCHEDULE B: Reports Requiring Further Information

02/0914

This matter was presented at the December meeting of this Committee where Members granted Officers authority to issue the application subject to the satisfactory conclusion of discussions with the highway authority and subject to a Section 106 agreement to restrict the occupancy of the dwelling.

The applicant's agent has submitted further correspondence in which he argues that under the advice given in Circular 11/95 Annex B, a condition restricting the occupancy would suffice. Officers concur with this view and consider that a Section 106 agreement would be not be expedient in this instance.

The principle of development has already been accepted but there are other issues which are outstanding, primarily that of the means of vehicular access in light of the comments received from the Highway Authority. Discussions are currently taking place with the applicants, the Highway Authority and Officers to resolve this matter.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

---

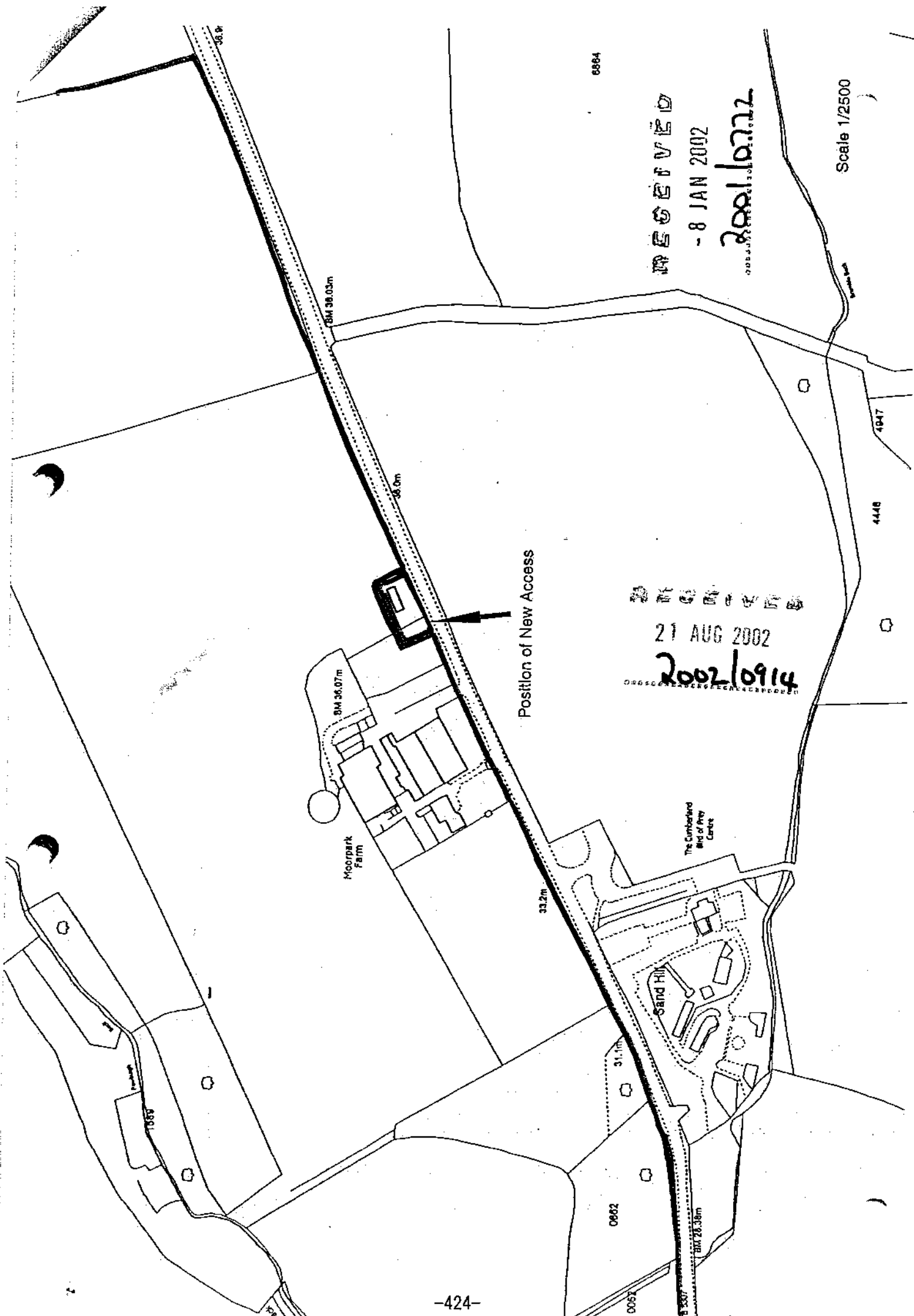
### Recommendation:


A to I ✓

### Reason for including report in Schedule B



A recommendation is unable to be made as further discussions are taking place with the Highway Authority and the applicant with a view to resolving the issue of the vehicular access.

Supp Page 55  
Letter from T-114



  
 - 8 JAN 2002  
 2002/0914

Scale 1/2500

  
 21 AUG 2002  
 2002/0914  


Position of New Access

Moorpark Farm

The Embroidered  
Bird of Prey  
Centre

Sand Hill

**REPORT INTO THE NEED  
FOR AN AGRICULTURAL DWELLING  
AT MOOR PARK FARM, THURSTONFIELD,  
CARLISLE**

RECEIVED  
21 AUG 2002  
2002/0914



Prepared for: Messrs W Swainson & Son  
Moor Park Farm  
Thurstonfield  
Carlisle  
CA5 6HB

Prepared by: Nick Scholefield M.R.I.C.S.  
SCHOLEFIELD & CO  
15<sup>th</sup> August 2002

Scholefield & Co  
Chartered Surveyors • Land Agents • Rural Property Consultants  
St. Andrew's Place • Penrith • Cumbria • CA11 7XZ  
Tel: 01768 867070 Fax: 01768 840192  
email: mail@scholefieldandco.co.uk  
Website: www.scholefieldandco.co.uk

## 1. INTRODUCTION

- 1.1 This report has been prepared on behalf of Messrs W Swainson & Son in connection with a proposal to erect a second dwelling for agricultural occupation at Moor Park Farm, Thurstonfield, Carlisle. Planning Policy Guidance: The Countryside – Environmental Quality and Economic and Social Development (PPG7, February 1997) Annex 1, has been taken into account in the preparation of this report.
- 1.2 This report is based on information provided by Messrs Swainson, together with local knowledge and published information. The site was visited on 11<sup>th</sup> June 2002.
- 1.3 This report accompanies a resubmission of a previous planning application which was refused on the grounds of an unsubstantiated proven agricultural need. It is understood that the original application for the agricultural dwelling was appraised by Capita dba who concluded that there was no need for the second dwelling on the farm.
- 1.4 The report author is in receipt of a copy of the original report completed by Capita dba and reference will be made to that report during the forthcoming sections.

## 2. GENERAL INFORMATION

- 2.1 Moor Park Farm extends to a total of around 114.12ha (282 acres) with a further 16.19ha (40 acres) of grassland being taken on a seasonal basis in the locality. This figure is around 24 hectares greater than that shown in the Capita dba report due to the recent acquisition of around 8 hectares of land adjoining Moor Park Farm and a little over 16 hectares held on a 5 year Farm Business Tenancy as detailed below.
- 2.2 The 114.12ha of land are held on the following tenures: -  
  
70.82ha – owner occupied at Moor Park Farm.  
27.11ha – held on a three generational full agricultural tenancy at The Flatt, Great Orton.  
16.19ha – at Thursby held on a 5 year Farm Business Tenancy from 2002 which is expected to be extended at the end of that Term.
- 2.3 The farm business was decimated by foot and mouth when all the livestock were culled. Messrs Swainson are now rebuilding and expanding the dairy herd to 120 cows which is involving the construction of a new cow housing and silage clamp facility. This is major investment and shows their commitment to remaining in dairy farming long into the future.
- 2.4 The information in the following sections is based on the intended stocking and cropping when final stock numbers are achieved within the next 12 months.

### 3 FARMING SYSTEM

#### 3.1 Cropping

- 3.1.1 The land held on seasonal licences has been discounted due to lack of security of tenure. However, it should be noted that there is every prospect of such land being available in future years as it is a traditional arrangement.

Spring barley	-	2.31
Winter barley	-	22.52
Winter wheat	-	5.67
Set-aside	-	4.00
Grass for silage (2 units)	-	30.00
Grass for grazing	-	49.62
<b>Total</b>	<b>=</b>	<b>114.12 hectares</b>

- 3.1.2 The above cropping figures differ from those shown in the Capita dbs report due to the acquisition of extra land as detailed above in section 2. Also, greater consideration has been given to the feed requirements for the stocking levels as detailed below.

#### 3.2 Stocking

Dairy cows	-	120
Heifers-<1 year old	-	60
1 to 2 years old	-	60
>2 years old	-	60
Over wintered Hoggs	-	400

- 3.2.1 The above figures are more precise than those detailed in the Capita dbs report due to the extra land secured and a clearer picture developing on the future of the business since the original planning application.

#### 3.3 Farm Policy

- 3.3.1 The farm now carries 528,000 litres of wholesale milk quota. The intention is to purchase a further 150,000 litres before the end of this milk year.
- 3.3.2 Cows are calving all year round with all the heifers being reared for replacements to the dairy herd.
- 3.3.3 The dairy herd is housed and milked at Moor Park Farm. Heifer calves are kept at Moor Park Farm up to the age of 6 months. From 6 months onwards, they are housed through the winter in a range of buildings on the land at The Flatt, Great Orton. At around 2 months before calving, the heifers return to Moor Park Farm to be calved and enter the milking herd.



- 3.3.4 Bull calves are sold off the farm within a few weeks of being born.
- 3.3.5 Hogs are over-wintered on an agistment basis from October to March.
- 3.3.6 As well as grass silage, barley is kept for feeding on the farm. Contractors are used for silaging, combining, ploughing and sowing grain.

### **3.4 Farm Buildings**

- 3.4.1 There are a good range of modern steel/concrete framed buildings at Moor Park Farm. Currently under construction are a new covered silage clamp, a new 100 cow cubicle building and new covered collecting yard which will incorporate calving boxes.
- 3.4.2 An existing building has cubicles for 75 cows adjacent to the 8 x 16 herringbone parlour. A further building is used for housing of cattle in a bedded system as well as for storage of hay and straw.
- 3.4.3 The traditional brick barn on the farm houses calving boxes, a 60 tonne grain bin and mill/mix unit.
- 3.4.4 Slurry and dirty water are stored in an above ground pre-cast concrete structure.
- 3.4.5 A further range of buildings are situated at The Flatt, Great Orton and house 90 cattle on a bedded system.

### **3.5 Labour**

- 3.5.1 The farm is run by Mr Swainson and his son, Paul.
- 3.5.2 Mr W Swainson lives in the existing bungalow at Moor Park Farm. Paul lives in Kirkbampton about 1.5 miles away. The Capita db's report incorrectly stated that Paul and his family lived in Thurstonfield village.

#### 4 JUSTIFICATION FOR A NEW DWELLING AT MOOR PARK FARM

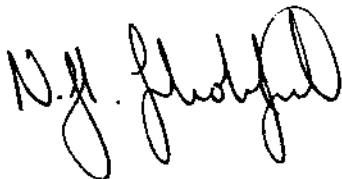
- 4.1 The farm is intensively stocked and the increase in cow numbers increases the demands on Mr W Swainson and his son to ensure the welfare of cows and young calves.
- 4.2 In particular, close supervision is required when cows are calving and emergency situations as well as for identifying cows at the critical stage for ovulation in order to ensure a high success rate of insemination.
- 4.3 Security is also a major problem on the farm. There have been several reported cases of theft and attempted break-ins. One such case involved the theft of a quad bike. It is proposed to site the new dwelling at the eastern side of the farm steading. The existing dwelling is situated on the western side. Thus, security will be greatly increased as both entry points to the steading will be overlooked.
- 4.4 Based on Standard Man Days, there is a labour requirement for in excess of 3 people to work on the farm. However, due to the use of contractors for certain field work and Mr W Swainson and his son working extremely long hours, the farm is able to be run by 2 labour units. Furthermore, the future buildings layout will assist Messrs Swainson in the day to day running of the farm.
- 4.5 The farm is financially viable and has every prospect of remaining so into the future thanks to the increase in cow numbers.
- 4.6 Paul Swainson currently lives around 1.5 miles away together with his wife and young family. Due to this, he sees little of his family and is finding it difficult to cover night time calving of cows and other emergency situations. This is exacerbated when his father is on holiday or otherwise away from the farm.
- 4.7 The need for the second dwelling is at Moor Park Farm where all the breeding stocks are kept together with young calves. Moor Park Farm is also where all cows are brought to calve. Hence the need for close supervision.

## **5 PPG7 AND THE NEED FOR AGRICULTURAL WORKERS DWELLINGS**

- 5.1 In order to provide the LPA with a comparable assessment in this report, the following criteria contained in Paragraph 15 of Annex I to PPG7 have been considered as they were in the Capita dbs report.
- 5.2 *“There is a clearly established existing functional need.”*
- 5.2.1 There appears to be no dispute between the report author and Capita dbs that a clearly established functional need exists on the holding.
- 5.3 *“The need relates to a full-time worker, or one who is primarily employed in agriculture, and does not relate to a part-time requirement.”*
- 5.3.1 The need does relate to a full-time worker and, as detailed in section 4, there is a labour requirement for in excess of 3 people to work on the farm based on Standard Man Days.
- 5.4 *“The unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least 1 of them, are currently financially sound and have a clear prospect of remaining so.”*
- 5.4.1 Again, there is no dispute with the Capita dbs report as we are in agreement that the unit is financially viable and has been established for in excess of 3 years.
- 5.5 *“The functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation based in the area which is suitable and available for occupation by the workers concerned.”*
- 5.5.1 The Capita dbs report concluded that the existing farmhouse at Moor Park Farm was sufficient to fulfil the functional need on the unit.
- 5.5.2 On a farm of this size and type, it would normally be expected to have two specialist workers to live on or immediately adjacent to it. One specialist worker cannot be on hand to cope with all the potential emergency and welfare situations that can arise on a farm. Paul Swainson lives 1.5 miles away and is not able to effectively cover his father’s time away from the farm or to assist him in difficult calving situations and to share the burden of late night/early morning supervision of vulnerable livestock.
- 5.5.3 Therefore, a second dwelling is required on the farm in order to satisfy the functional need.

## 6 CONCLUSIONS

- 6.1 These conclusions are made by the report author based on the facts provided by Messrs Swainson in the previous paragraphs.
- 6.2 When considering the farming practises adopted at Moor Park Farm, they are suited to the holding and typical of farms in the locality.
- 6.3 Taking into account the farming system, there is a labour requirement for over 3 people working full time on the holding. Two men currently run the farm and this reflects the long hours they work together with the use of contractors for certain field works.
- 6.4 In common with most livestock enterprises the need for regular supervision is important for animal welfare and emergency situations, as well as for calving cows and identifying cows at the critical stage for ovulation to ensure a high success rate of insemination. Furthermore, in this case, security is a major factor following several thefts and attempted break-ins. It would, therefore, be expected on a farm of this size and type to have two people living on it.
- 6.5 For the stocking levels and farm policy, there exists a functional need at Moor Park Farm, as outlined in Annex I to PPG7, for two full time workers to be on the holding to carry out the necessary duties as described above and in previous section of this report.
- 6.6 Furthermore, it is considered that the farm is financially viable and capable of sustaining two families and dwellings on the holding.



**Nick Scholefield M.R.I.C.S.**  
**SCHOLEFIELD & CO**  
**15<sup>th</sup> August 2002**

**MOOR PARK FARM  
THURSTONFIELD  
CARLISLE**

**Report on the agricultural need for a proposed  
agricultural workers dwelling**

CAPITA*db*s  
Clint Mill  
Cornmarket  
PENRITH  
CA11 7HP



February 2002

**Proposed Agricultural Workers Dwelling – Moor Park Farm, Thurstonfield, Carlisle**

**1.0 Introduction**

- 1.1 This report has been prepared at the request of Carlisle City Council who has asked if I will report on the agricultural need for a proposed agricultural workers dwelling at Moor Park Farm, Thurstonfield, Carlisle.
- 1.2 I met Mr William Swainson on behalf of the applicants W Swainson & Son on 22 January 2002 and inspected the steading at Moor Park Farm. The following information was provided by Mr Swainson.

**2.0 Land Occupied**

- 2.1 Moor Park Farm extends in total to around 90 hectares (222 acres) and is made up of the following blocks of land.
  - 2.1.1 63 hectares (155 acres) at Moor Park Farm. This land is owner occupied.
  - 2.1.2 27 hectares (67 acres) at The Flatt, Great Orton. This is a tenanted block of land about 2 miles from Moor Park Farm, held on a secure tenancy.
- 2.2 In addition to the above land the applicants regularly take around 16 hectares (40 acres) of seasonal grazing in the locality each year. The applicants are continually looking to expand and seeking to acquire additional land.

**3.0 Livestock**

- 3.1 Prior to the Foot and Mouth outbreak the applicants milked 60 Holstein dairy cows with a milk quota of 528,000 litres. They now wish to restock after Foot and Mouth and wish to expand their dairy herd to 100+ cows. At the present time they have 20 suckler cows and would normally have around 400 cattle on the farm. Bull calves are sold shortly after birth and heifers are reared as herd replacements.
  - 3.1.1 In addition to the cattle the applicants normally keep around 150 sheep on the holding over the winter months to eat off surplus grass. There is a sheep quota allocation for 136.

#### **4.0 Cropping**

- 4.1 The cropping on the farm normally comprises the following:-
  - 4.1.1 15 hectares (35 acres) of winter barley for feeding to the livestock.
  - 4.1.2 7 hectares (18 acres) of winter wheat.
  - 4.1.3 24 hectares (60 acres) of silage for winter feed.
- 4.2 The remainder of the farm is in grass for feeding the livestock.

#### **5.0 Farm Buildings**

- 5.1 The dairy cows are housed in cubicles in steel/concrete portal frame buildings of modern construction. There is a traditional brick built barn on the steading which is now used for storing feedstuffs, grain and miscellaneous items. Silage is stored in outside pits and slurry in an above ground tank.
- 5.2 At the time of my visit considerable work was in progress to extend the capacity of the milking parlour and provide additional portal steel frame buildings with a collecting yard adjacent thereto. The applicant also advised they intended to erect a new covered silage pit in the near future.
- 5.3 All of these buildings are situated at Moor Park Farm but in addition there is a range of buildings on the rented land at The Flatt which will winter around 90 cattle.

#### **6.0 Domestic Buildings**

- 6.1 The farmhouse at Moor Park Farm comprises a 3 bedroom bungalow with rendered elevations under a tiled roof.

#### **7.0 Labour & Residence**

- 7.1 Mr William Swainson and his son work full time on the holding. They employ contractors for silage making, ploughing, sowing etc.
- 7.2 Mr W Swainson and his wife live in the bungalow and their son and his family live in an owner occupied premises in Thurstonfield village, a short distance from the farm.

**8.0 Other Information**

- 8.1 Mr Swainson advised that he needed his son to be on hand living on the holding to deal with calving cows during out of normal working hours. They were also having considerable problems with security and had a number of attempted break-ins over the last few years.

**9.0 PPG 7 And The Need For Agricultural Workers Dwellings**

- 9.1 The need for agricultural workers dwellings is covered in Planning Policy Guidance Note PPG7 "The Countryside - Environmental Quality and Economic and Social Development" (revised in February 1997) and in particular annex I of that publication.

- 9.2 Guidance is given on the criteria to be met for agricultural dwellings and in relation to a permanent agricultural workers dwelling these criteria are set out in paragraph 15 of annex I to PPG7. These criteria are: -

**9.2.1 *There is a clearly established existing functional need***

A clearly established existing functional need will arise from the care of the livestock on the holding particularly when the cows are calving and when youngstock need attention. Most of this activity is centred in and around the steading at Moor Park Farm although there will be some need when cattle are housed away on the tenanted land in the winter months.

**9.2.2 *The need relates to a full time worker, or one who is primarily employed in agriculture, and does not relate to a part-time requirement***

I have calculated the labour requirement on this holding based on the normal levels of livestock and areas of cropping and am able to advise there is a labour requirement of the equivalent of just under 3 full time workers. This figure includes the use of contractors.

**9.2.3 *The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so***

Viability can be defined as offering a competent person the prospect of a sufficient livelihood. In practice this can mean a net farming income, after all expenses such as feed, fertilizer and property maintenance at least equivalent to an agricultural workers minimum wage, which is currently in the region of £9600 per annum. I have calculated the net farm income from the livestock normally kept on this holding and am able to advise that it is financially viable. The business has been established for in excess of 3 years.



9.2.4 *The functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation based in the area which is suitable and available for occupation by the workers concerned*

Today it is only really necessary for specialist workers to live on or immediately adjacent to agricultural holdings. This is to be available at most times to attend to emergencies and the overall need to protect property. In the present case I am of the opinion that in the interests of the well-being of the livestock, particularly during calving and for attention to youngstock, the efficient running of the holding and overall security, it is essential for one person actively involved in the management of the holding at Moor Park Farm to be present on or immediately adjacent to it.

The availability of the existing farmhouse at Moor Park Farm will therefore meet the requirement for this worker. In addition the close proximity of the second worker in the nearby village will enable assistance to be available at short notice

9.2.5 *other normal planning requirements, eg on siting and access are satisfied.*

These are beyond my instructions.

10.0 **Conclusion**

10.1 I therefore conclude by advising as follows:-

10.1.1 There is clearly established existing functional need for a worker to be resident on this holding.

10.1.2 My calculations show that the labour requirement on the holding equates to just under 3 full time workers and therefore the test for a full time worker is met.

10.1.3 It is an established business and is financially viable and therefore the financial test is met.

10.1.4 The existing farmhouse at Moor Park Farm currently satisfies the need to house one worker.



A G Jackson BSc FRICS FAAV  
CAPITAdb's  
Clint Mill  
Cornmarket  
PENRITH

14 February 2002

**Compliance with RICS Practice Statements**

It is declared that:-

- a) this report has been compiled from factual information provided by the applicants/occupiers of the property which is the subject of the report and from published data.
- b) this report includes all facts which the Surveyor regards as being relevant to the opinion which he has expressed and that he has drawn to the attention of the Instructing Authority any matter which would affect the validity of that opinion; and
- c) this report complies with the requirements of the Royal Institution of Chartered Surveyors, as set down in "Surveyors Acting as Expert Witnesses: Practice Statement".
- d) it is believed that the matters put forward by the Surveyor are true and accurate.

## SCHEDULE B: Reports Requiring Further Information

02/1109

Item No: 35

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1109

**Applicant:**  
Mr Roy Young

**Parish:**  
Beaumont

**Date of Receipt:**  
18/10/2002

**Agent:**  
F J Elliott

**Ward:**  
Burgh

**Location:**  
L/A Field 9526, Grinsdale, Carlisle, CA5 6DS

**Grid Reference:**  
337038 558180

**Proposal:** Erection of stables with storage

**Amendment:**

Angus

---

### Report

#### Planning Policies:

#### **Cumbria & Lake District Joint Structure Plan Policy 13**

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

#### **Carlisle District Plan Environment - Policy E2**

Proposals for new farm buildings and extensions to existing agricultural buildings and other farm structures will be permitted, providing that:

1. The building or structure is sited where partial to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening; and
2. The scale and form of the proposed building or structure relates to the existing group of farm buildings; and
3. Within AONB's and Conservation Areas, the design and materials used reflect the overall character of the area; and
4. The proposal would not have an unacceptable adverse effect on any adjacent properties.

**Carlisle District Plan  
Environment - Policy E8**

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any existing wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

**Carlisle District Plan  
Employment - Proposal EM11**

Within the rural area proposals for the reuse and adaptation of buildings (of permanent construction) for commercial, industrial or recreational uses will be acceptable subject to the following criteria:

1. The form, bulk and general design of the buildings are in keeping with the surroundings;
2. Adequate access and appropriate parking arrangements are made;
3. Any increased traffic generated by the proposal can be accommodated by existing highway network;
4. There is no unacceptable adverse effect on the amenity of adjacent property or the surrounding landscape.

**Carlisle District Plan  
Employment - Proposal EM15**

Proposals for small scale tourism related development will be acceptable providing that:

1. There is no unacceptable adverse impact on the landscape; and
2. Adequate access and appropriate car parking can be achieved; and
3. If the proposal is within the rural area it is well related to an established

settlement or group of buildings or involves the conversion of an existing building, or would form an important element of a farm diversification scheme.

### **Carlisle District Plan**

#### **Leisure - Proposal L4**

Within the Plan area, outside Primary Leisure Areas, proposals for leisure development including sport and active recreation development will be acceptable provided that:

1. The proposal does not have an adverse impact on the amenity of the surrounding area; and
2. Appropriate car parking and access to the site can be achieved; and
3. The proposed use is of an appropriate scale to the locality; and
4. Where practicable, the proposal can be accessed by public transport; and
5. The proposal makes a positive contribution to the development of tourism in the district; and/or
6. If the proposal is within Carlisle, it brings a vacant or part vacant building into use or contributes to the development of a mixed use scheme.

#### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** No objections.

**Beaumont Parish Council:** The Council does not wish to make any representations on the proposal.

**Environment Agency (N Area (+ Waste Disp)):** Advises that a Supplementary Informative be added covering the surface water from roofs and paved areas.

**County Land Agent:** Comments awaited.

#### **Summary of Representations:**

This application has been advertised in the form of a site notice. In response one petition has been received signed by six people. The basic issues raising being:

- The village is situated on a no through road.
- The road is already too narrow for the amount of traffic that has increased over the past year.
- The last stretch of road is only 4 metres wide so residents are forced to park on the pavement. Parking is already restricted without having more vehicles to contend with.
- There are not passing places in Coop House Lane and there is no turning

area situated at the end of the road so inevitably the residents cars do get damaged when people try to turn their vehicles on the narrow road.

- The gate entrance to field L/A 9526 is inadequate for heavy vehicles to enter or exit and we are concerned as to where the applicants are going to park their vehicles when erecting and using the stables as no hard standing or hard track leading to the stables are shown on the proposed plans.
- The plan fails to show the entrance into adjacent field 0628 and the field entrance on the right hand side of the lane. Any parking at the entrance to the field 9526 will block the entrance to field 0628.
- Since the fields down Coop House Lane were sold to several individuals the heavy traffic has more than doubled. This is made even worse in the spring and summer months due to anglers, walkers and church goers. The Council do very little for the upkeep of the road. Even the road sweeper fails to clean the end of the village as there is no where to turn. More heavy traffic will bring more dirt into the road which is dangerous for everyone using the end of the village.
- The position of the stables on the plan seems to suggest a further application to develop the land may be sought in the future possibly a dwelling for example. As the stables will clearly be seen regardless of any Hawthorn hedge. Any further applications for development of this land will be strongly opposed.
- The stables would be directly in line with our houses obstructing our views.

#### **Details of Proposal/Officer Appraisal:**

##### **Planning History:**

The available records indicate that the property has not previously been subject to an application for planning permission.

##### **Details of Proposal:**

This application relates to an open field located on the northern side of Coop House Lane approximately 90 metres to the east of the property known at Town End. To the immediate west of the site, the track forks into a public footpath leading to St Kentigern's Church and the "Coop Stream" of the River Eden.

The proposed building measures 15 metres by 5.5 metres with a ridge height of 4.6 metres. Externally the walls would have concrete panels and stained boarding with the roof consisting of fibre cement profile sheeting. The submitted floor plans show the provision of two stables and a storage area.

In considering this application it is felt that the following points need to be kept in mind:

- a) Ministerial advice contained in PPG7 "The Countryside - Environmental Quality and Economic and Social Development" points out in paragraph 2.1 that the aim of the planning system is to reconcile the needs of development and conservation, and secure economy, efficiency and amenity in the use of land. Paragraph 2.3 of PPG7 goes on to say that the guiding principle in the countryside is that development should both benefit economic activity and maintain or enhance the environment. "New Development should be sensitively related to existing settlement patterns and to historic, wildlife and landscape sources. Building in the open countryside, away from existing settlements or from areas allocated for development in development plans, should be strictly controlled".

Paragraph 2.8 of PPG7 also states that local planning authorities should weigh the need to: encourage rural enterprise; protect landscape, wildlife and historic features; safeguard best agricultural land; have regard to the quality and versatility of land for forestry and other rural enterprises; protect non-renewable resources; strengthen rural communities; achieve good quality development which respects the character of the countryside; and, secure safe development by taking account of the stability of the land.

The Government's policy is "that the countryside should be safeguarded for its own sake and non-renewable and natural resources should be afforded protection" (paragraph 2.14).

In addition, paragraph 3.4B states that it "is usually preferable for farm diversification schemes to re-use good quality existing buildings and put them to a new business use, rather than build new buildings in the countryside. New buildings, either to replace existing buildings or to accommodate expansion of enterprises, may also be acceptable provided that they satisfy sustainable development objectives and are of a design and scale appropriate to their rural surroundings".

- b) The development plan comprises the Cumbria and Lake District Joint Structure Plan (SP) and the Carlisle District Local Plan (CDLP). SP Policy 13 and CDLP Policy E8 establish that in the undeveloped open countryside, development will not normally be permitted. In answer to the agent's point that Policy E8 cannot apply, Members should note that there is a mistake in the text, which is corrected in the accompanying explanatory notes, and is held to be relevant to the current proposal. CDLP Policy E2 relates to agricultural buildings, and makes it clear that they will be permitted, but only if certain criteria are met.

In such circumstances it is considered that the fundamental issue that should be addressed is whether the needs of the enterprise outweigh the visual harm cause by the proposed building and the general presumption against development in the open countryside. At the time of preparing the report the observations of the County Land Agent are awaited. An updated report will be made to Members at the Meeting.

---

## Human Rights Act 1998

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

---

**Recommendation:**

REFUSE

**Reason for including report in Schedule B**

At the time of preparing the report the formal observations of the County Land Agent are awaited.

---

Supp Schedule  
page 56-61  
Land Agents Report



9448

7644

FIELD  
9526

0628

RECEIVED

18 OCT 2002

2002/1109

0114

Gresdale

Park Farm

Town End

Survey Bank

The Poplars Riverside Lodge

Boon Garth

The Poplars

Torrie

Arch House

River Eden

Boro Coast Rd

Co Coast & Ward Rd

1001

2300

2403

Park Farm

Copperbeech House

Orbit

Bower House

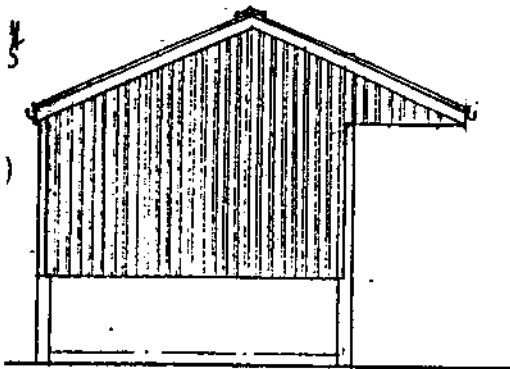
Beach House

The Hollies

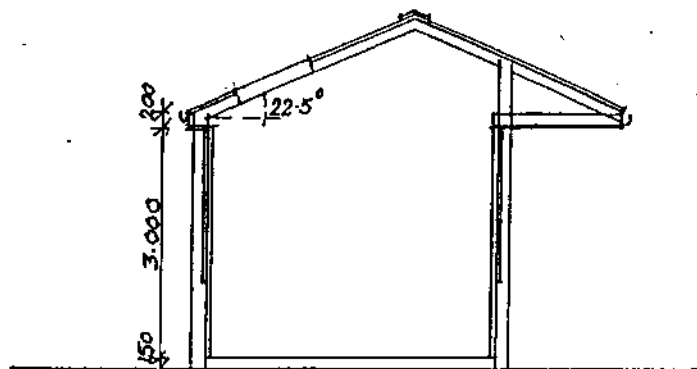
Eden Vale

Edenholme Farm

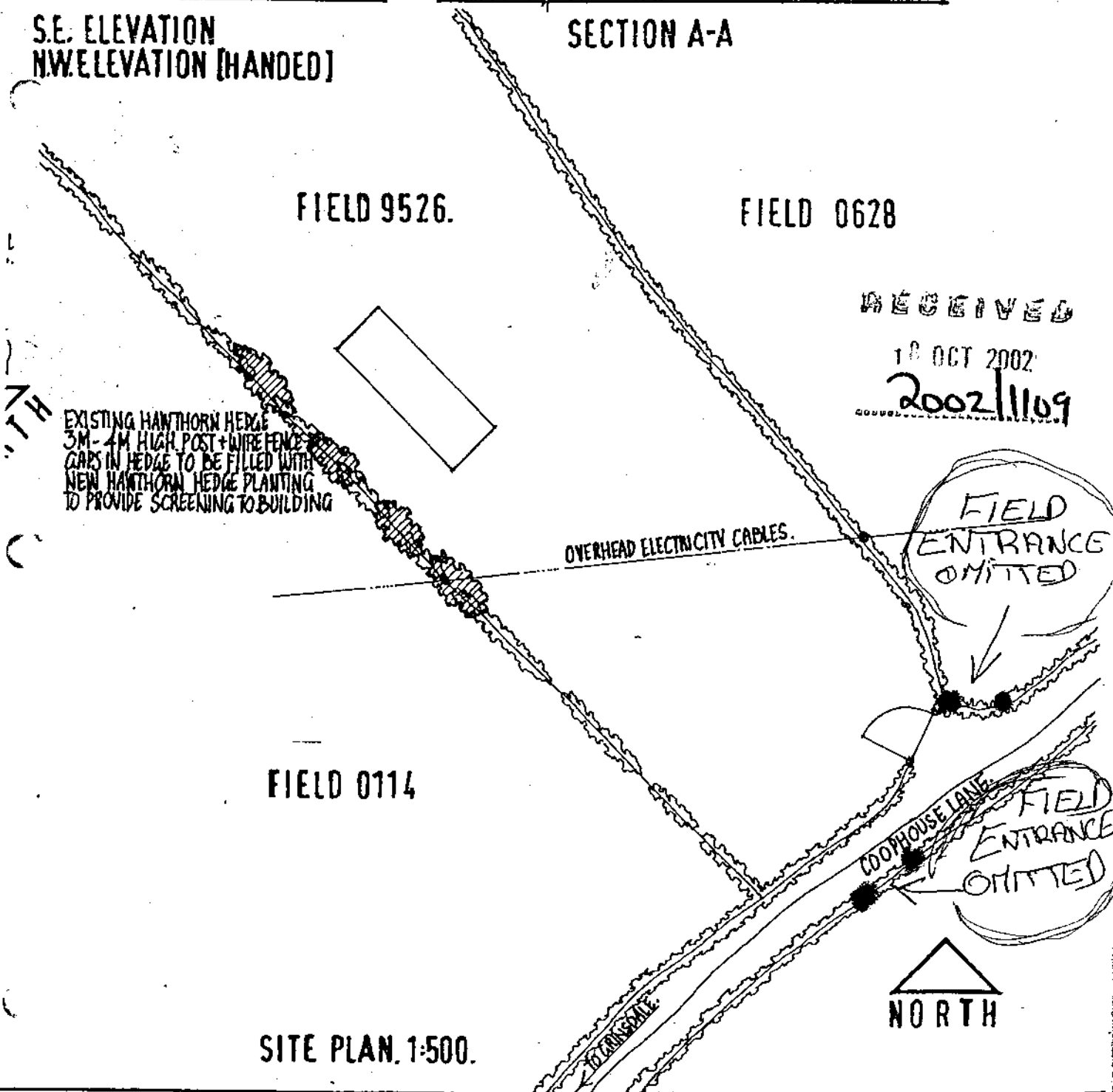
LOCATION PLAN 1:2500



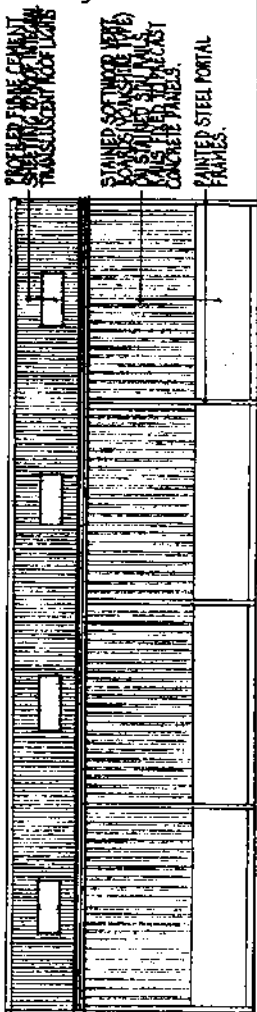
S.E. ELEVATION  
N.W. ELEVATION (HANDED)



SECTION A-A

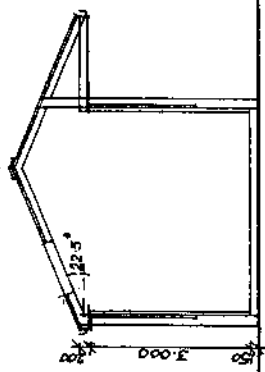
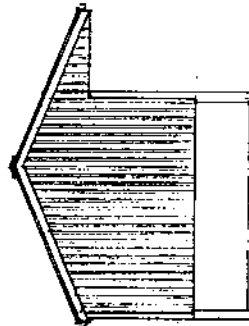


RECEIVED  
18 OCT 2002  
2002/1109

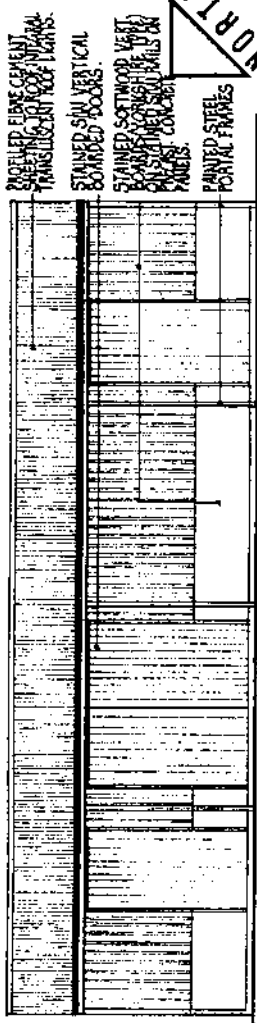


SW ELEVATION

S.E. ELEVATION (HAIRED)



SECTION A-A



NE ELEVATION



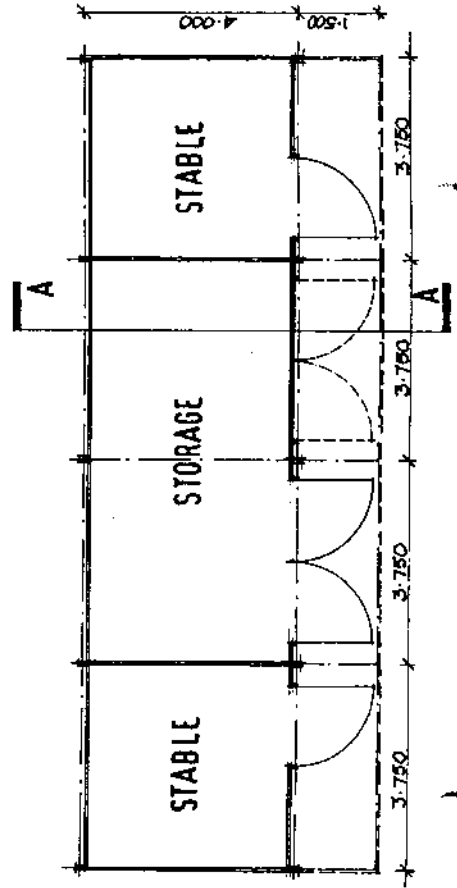
FIELD 9526.

FIELD 0628

FIELD 0774

EXISTING HANDBORN VIEW SIGN - 4" HIGH POST + WIRE FRAME CHIPS IN LEADS TO BE FILLED WITH NEW HANDBORN LEADS PLANTING TO PROVIDE SCREENING TO BUILDING

OVERHEAD ELECTRICITY CABLES.



SITE PLAN 1:500.



ARCHITECTS  
18 OCT 2002  
E J ELLIOTT ARIEBA ARCHITECTS

## SCHEDULE B: Reports Requiring Further Information

02/1166

---

**Item No: 36**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1166

**Applicant:**  
Julien E Lucking

**Parish:**  
Upper Denton

**Date of Receipt:**  
12/11/2002

**Agent:**

**Ward:**  
Irthing

**Location:**  
L/A Field No 5633, Upper Denton, Gilsland

**Grid Reference:**  
361564 565338

**Proposal:** Erection of agricultural store and stables

**Amendment:**

*John Angus*

---

### Report

#### Planning Policies:

#### **Cumbria & Lake District Joint Structure Plan Policy 12**

Development and other land use changes detrimental to the distinctive character of designated County Landscapes, will not normally be permitted. Development required to meet local infrastructure needs which cannot be located elsewhere, will normally be permitted, provided it is sited to minimise environmental impacts and meets high standards of design.

#### **Cumbria & Lake District Joint Structure Plan Policy 25**

The siting, appearance and landscaping of all new development and alterations should aim to enhance the quality of the existing environment. It should be in keeping with the local character of the townscape or landscape, and be well integrated with the existing pattern of surrounding land uses and, where appropriate, be in keeping with the local vernacular tradition. Normally development should make proper provision for access by disabled persons.

#### **Cumbria & Lake District Joint Structure Plan Policy 26**

Development and other land use changes which fail to preserve or enhance the character or appearance of Conservation Areas or which damage, obscure or remove important archaeological sites or other historic features, or are detrimental to the character or setting of a Listed Building or Ancient Monument will not normally be permitted.

### **Carlisle District Plan Environment - Policy E2**

Proposals for new farm buildings and extensions to existing agricultural buildings and other farm structures will be permitted, providing that:

1. The building or structure is sited where partical to integrate with existing farm buildings and/or take advatage of the contours of the land and any existing natural screening; and
2. The scale and form of the proposed building or structure relates to the existing group of farm buildings; and
3. Within AONB's and Conservation Areas, the design and materials used reflect the overall character of the area; and
4. The proposal would not have an unacceptable adverse effect on any adjacent properties.

### **Carlisle District Plan Environment - Policy E4**

Within County Landscapes (as defined on the Proposals Map) permission will not be given for development or land use changes which would have an unacceptable effect on their distinctive landscape character.

Development required to meet local infrastructure needs which cannot be located elsewhere will be permitted provided it is sited to minimise environmental impact and meet high standards of design.

### **Carlisle District Plan Environment - Policy E26**

Within the buffer zone of Hadrian's Wall Military Zone World Heritage Site, as defined on the Proposals Map, proposals for development which would have an unacceptable adverse impact on the character and/or setting of the World Heritage Site will not be pemitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted providing that:

1. The proposal reflects the scale and character of the existing group of buildings; and
2. There is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.

## **SCHEDULE B: Reports Requiring Further Information**

02/1166

### **Carlisle District Plan Housing - Proposal H17**

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

### **Carlisle District Plan Leisure - Proposal L4**

Within the Plan area, outside Primary Leisure Areas, proposals for leisure development including sport and active recreation development will be acceptable provided that:

1. The proposal does not have an adverse impact on the amenity of the surrounding area; and
2. Appropriate car parking and access to the site can be achieved; and
3. The proposed use is of an appropriate scale to the locality; and
4. Where practicable, the proposal can be accessed by public transport; and
5. The proposal makes a positive contribution to the development of tourism in the district; and/or
6. If the proposal is within Carlisle, it brings a vacant or part vacant building into use or contributes to the development of a mixed use scheme.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** No objections.

**Upper Denton Parish Council:** The Parish Council would like to make the following comments and concerns:

- 1) The position of the development was not considered as being totally satisfactory taking into account the other options which are available in the close proximity e.g. unused agricultural buildings.

## SCHEDULE B: Reports Requiring Further Information

02/1166

- 2) The possible business development of this application is very close to a commercial property.
- 3) Protection of the hedges and trees would be needed in this sort of application.
- 4) Concerns over access, storage and disposal of manure and waste products would not be catered for in a private septic tank.
- 5) The lack of electricity and water could restrict this proposed application from being complementary to the area.

**Railtrack Property North West:** No objections to this proposal, but as the building appears to be quite close to the railway boundary, details of what plant and machinery will be involved in erecting the steelwork and positioning of roof members will need to be provided. No equipment must operate where it has a capability to swing out over railway airspace, or in event of malfunction or misuse, to collapse within 3 metres of the nearest rail line.

There must be no roof water drainage directed towards the railway, or any unauthorised connection made with the railway drains or ditches.

There should be no earthwork's, for instance trenches dug for building footings, without these being properly supported and backfilled at the earliest opportunity. It is important that support for the foundations of the railway is not adversely affected.

**Environment Agency (N Area (+ Waste Disp)):** The proposals must fully comply with the MAFF "Code of Good Agricultural Practice for the Protection of Water". Only clean surface water from roofs and paved areas should be discharged to any soakaway.

**Design Services - Drainage Engineer:** No comment.

**Cumbria County Council - (Archaeological Services):** No wish to recommend that any archaeological work be undertaken either in advance of, or during the course of, the development of these sites.

**County Land Agent:** Comments awaited.

**Head of Environmental Services:** Comments awaited.

### Summary of Representations:

This application has been advertised in the form of a site notice and the occupiers of two neighbouring properties directly notified. In response one letter raising the following concerns has been received:

- The septic tank for South View is located on the proposed development

## SCHEDULE B: Reports Requiring Further Information

02/1166

and would be surrounded by concrete block wall structures, presumably on concrete foundations. It is therefore considered likely that drains to and from the septic tank will be affected.

- It is understood that the proposed agricultural building is to be used for storage and maintenance of cars. This is likely to generate noise and disturb the quiet enjoyment of the garden.
- Concerns that the use of the building as a workshop would warrant some form of generator which would create noise and disturbance.
- There is a concern, that if permitted, the proposal would lead to the storage of surplus vehicles and parts, giving a scrapyards appearance which would be out of keeping with the area.
- The proposed loose boxes for horses is likely to generate a concentration of manure and urine and cause unpleasant smells. Manure stored in proximity to a building presents a potential fire hazard.
- The proposal states that water for the horses will be gathered from rainwater off roofs. Now we understand that horses need between 5 and 10 gallons of water each per day. We do not think that there is sufficient water catchment and storage. We are therefore concerned that the developer may not have addressed this matter. This would generate a significant increase in pedestrians walking in front of the lounge windows of South View due to the developer having to carry water from a standpipe opposite our lounge. This would give a significant loss of privacy.
- The proposed development will generate a significant increase in pedestrians walking in front of the lounge windows of South View, and there will be a loss of privacy.
- The boundary of the land of the proposed development, with South View, includes a mature hedge with trees, providing a natural screen to South View. There is concern that this hedge will be disturbed by the proposed structure. (The Developer has already undertaken severe pruning of the hedge). There would therefore be a significant lack of screening to South View, and habitat for birds.
- The developer proposes that the structures be constructed with concrete blocks. This would look a particular eyesore from the approach to Denton village and south view from the direction of Low Row, as well as from South View.
- At present, South View does not have buildings on its boundary. The proposed development would eliminate the quiet aspect of the property, and its value and marketability would be adversely affected.

### Details of Proposal/Officer Appraisal:



### Planning History:

In 1985, under application reference numbers 85/0053 and 85/0793, outline planning permission was refused for the erection of an agricultural workers bungalow.

### Details of Proposal:

This application relates to a triangular field 0.19ha in area which lies to the immediate west of the property known as South View and to the south of the Carlisle/Newcastle railway line. A hawthorn hedge runs along the road frontage delineating the boundary along the railway line. A row of deciduous hedgerow trees mark the eastern boundary with South View.

The current proposal involves the erection of a storage shed and three loose boxes abutting the boundary with South View. The storage shed and loose boxes have an overall length of 16 metres with a maximum width of 10 metres. The proposed building has a monopitched roof ranging in height from 4.4 metres to 3 metres. The building is to have a steel frame with grey concrete blockwork walls and grey plastic coated corrugated sheeting on the roof. The proposed structure is shown to be sited around an existing septic tank which appears to serve the neighbouring property at South View.

In such a sensitive location within a designated County Landscape and the Buffer Zone of Hadrian's Wall it is considered that the fundamental issues to be addressed revolve around whether any agricultural needs outweigh:

- i) The visual harm caused by the proposed building and the general presumption against development in the countryside;
- ii) The harm to the amenities of the neighbouring resident; and,
- iii) Any potential pollution to the environment.

At the time of preparing the report the formal observations of the County Land Agent and Head of Environmental Services are awaited. Further information has also been sought from the applicant on the number of horses to be stabled, the nature of the "store" use, the intended services, how the stables would operate, the disposal of effluent, and, how the existing septic tank and its soakaway system would be protected. An updated report will therefore be made to Members at the Meeting.

---

### Human Rights Act 1998

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

## SCHEDULE B: Reports Requiring Further Information

02/1166

- Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;
- Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;
- Article 8** recognises the "Right To Respect for Private and Family Life";
- Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

---

**Recommendation:**

REFUSE

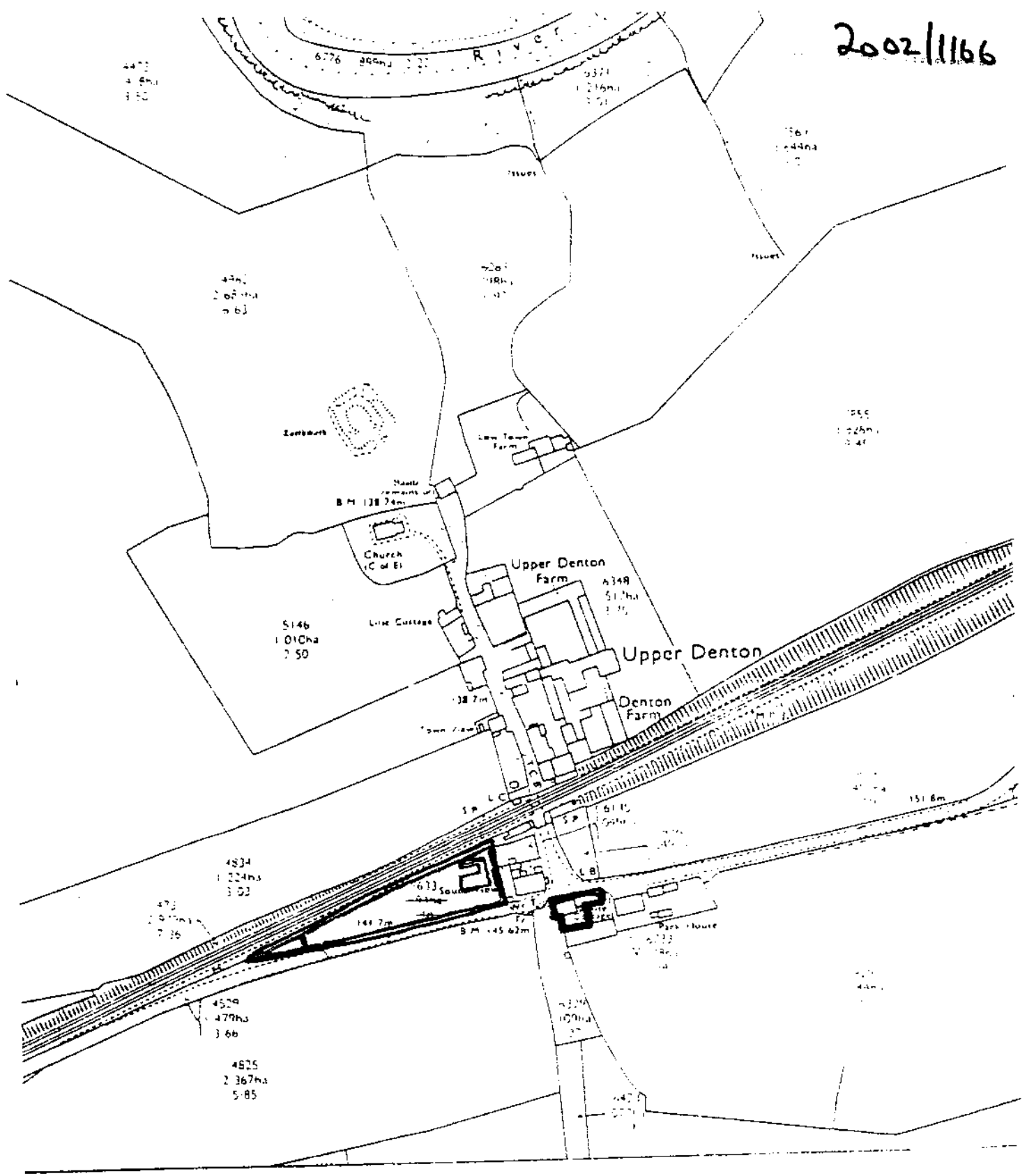
**Reason for including report in Schedule B**

At the time of preparing the report the formal observations of the County Land Agent and Head of Environmental Services are awaited.

---

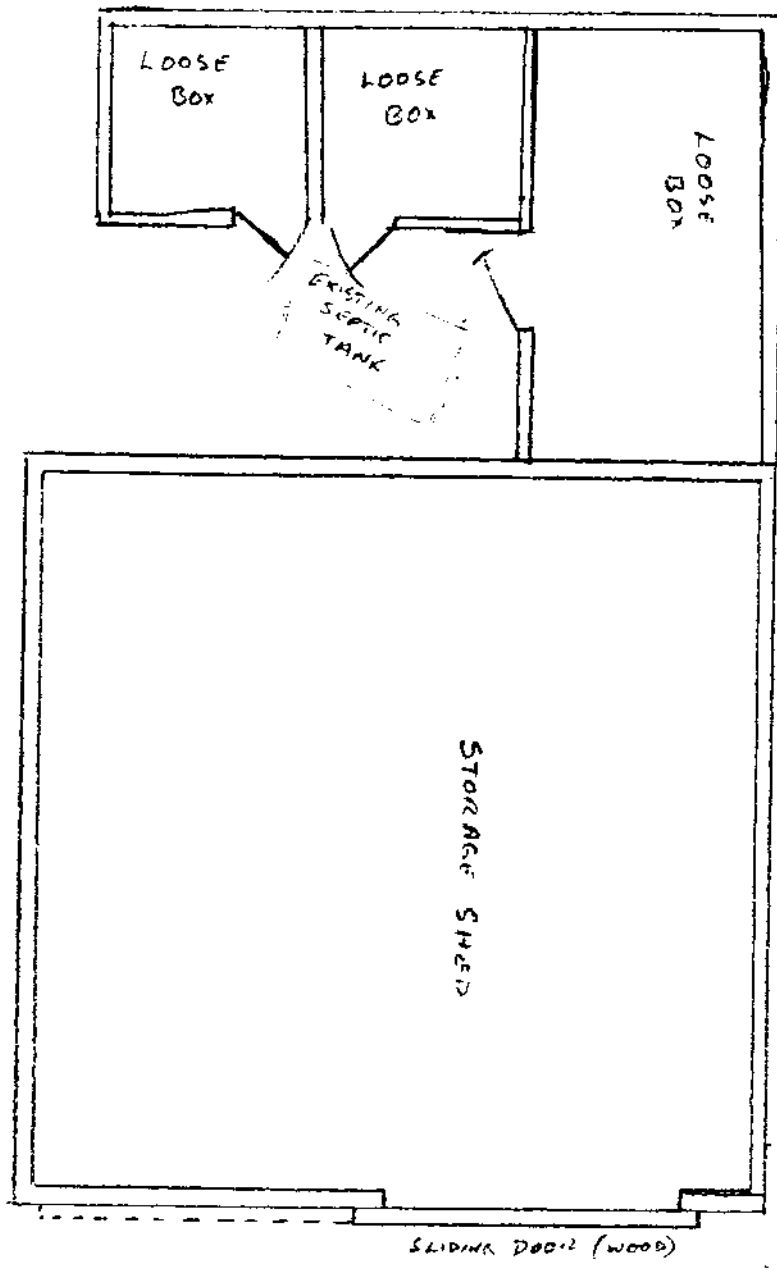
Supp Schedule  
Page 62-66 - Land Agent's Report

2002/1166



RAILWAY

2002/1166



BOUNDARY TO SOUTH VIEW

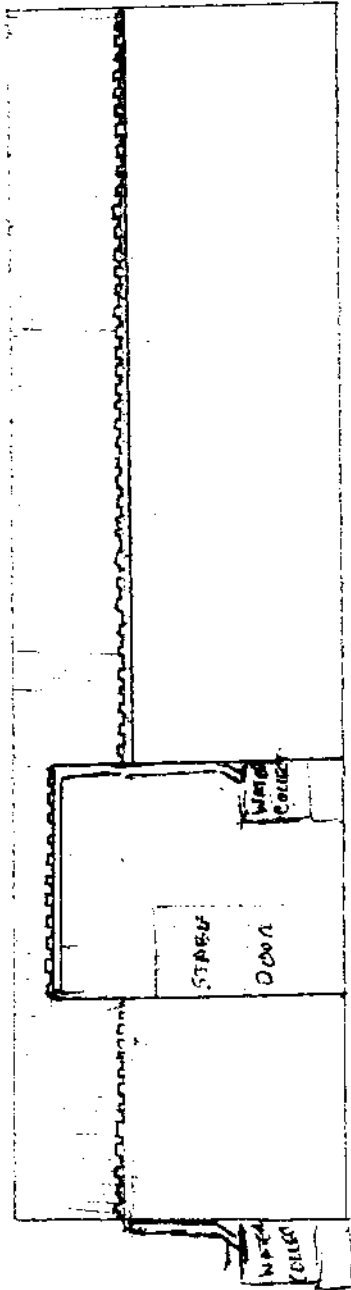
SCALE 100:1

HEDGE

EXISTING GATE \* FENCE \*

ROADWAY 455-

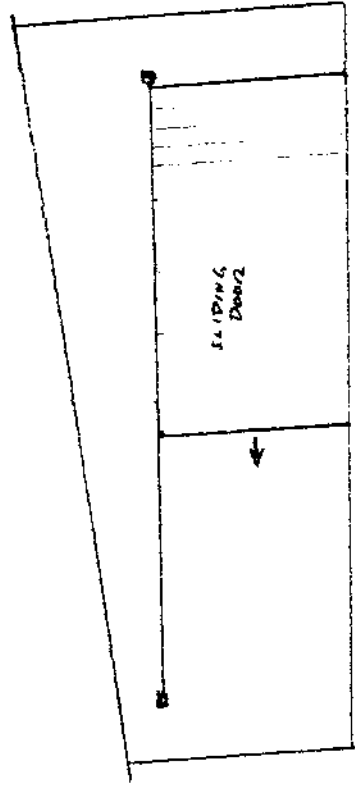
2002/1166



SIDE ELEVATION

CONSTRUCTION

CONCRETE BLOCK INFILL ON  
 STEEL FRAMING WITH CORRUGATED  
 PLASTIC COVERED ALUMINIUM SHEET ROOF.  
 PLASTIC BUTTERING, DOWNPIPES AND STORAGE  
 BANKS. WOODEN DOORS.



FRONT ELEVATION

C.A.S.

## SCHEDULE B: Reports Requiring Further Information

02/1205

---

Item No: 37

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1205

**Applicant:**  
Ken Hope Plant Hire

**Parish:**  
Kingmoor

**Date of Receipt:**  
02/12/2002

**Agent:**  
Bingham Yates & Partners

**Ward:**  
Stanwix Rural

**Location:**  
Westmoor, Low Crindledyke, Rockcliffe, Carlisle,  
CA6 4BH

**Grid Reference:**  
337312 560547

**Proposal:** Extension to storage building

**Amendment:**

*ACM*

---

### Report

#### Planning Policies:

#### Summary of Consultation Responses:

**Cumbria County Council - (Highways Authority):** no objections;

**Environment Agency (N Area (+ Waste Disp)):** no objections but an informative is recommended;

**Kingmoor Parish Council:** register a formal objection and ask for a Site Visit. The objection is based upon the increasing scale of operations from the site including a 24 hour service;

**English Nature:** refer to possible presence of bats.

#### Summary of Representations:

A Site Notice has been displayed and letters sent to two adjacent occupiers. In response, one objection letter has been received from the occupier of a neighbouring dwelling opposing the application on the grounds of increased vehicle and plant movement and related increased noise.

#### Details of Proposal/Officer Appraisal:

##### **Planning History:**

The applicants commenced the operation of a Plant Hire and Contractors' Yard from land adjacent to their home at Westmoor in 1978. The business expanded and in

## SCHEDULE B: Reports Requiring Further Information

02/1205

1982 planning permission was obtained for the erection of a tractor shed and workshop, the latter being through the adaptation of former railway cottages.

During the 1980's and 1990's the business grew though no further planning approvals were sought to authorise expansion beyond the limitations imposed as planning conditions attached to the 1982 consent. However, throughout that period of growth the business did not generate any complaints to Planning or Environmental Services nor, as far as can be ascertained, was the Highway Authority or Parish Council aware of, or concerned about, the situation to the extent that it was brought to the notice of the City Council.

In 1996 the applicants contacted Taylor & Hardy (Planning Consultants) to provide advice since it was thought appropriate to both regularise the situation and seek formal approval to further develop the site to reflect the increased business the firm were experiencing.

In June 1996, a planning application was made for the use of the land as a "Plant Hire and Contractors' Yard Together With the Erection of Offices and a Workshop". The application was advertised and neighbours notified but these measures generated no representations against the development.

It follows that as the use of the land had operated at an intensive scale, without complaint, for a lengthy period of time and had become a significant provider of jobs (40), planning policy guidance and Government advice generally did not support rejection of the proposals. Consequently planning permission was granted in July 1996.

In May 1997 planning permission was granted for the addition of a small extension to the proposed office building. Further consent for the siting of a temporary portacabin and the erection of lighting columns was approved in April 1998, as was an application to extend the plant hire and civil engineering yard, both after a Site Visit by Members. Consent for the temporary portacabin was renewed in September 1998 authorising its use as a training centre providing classroom instruction linked to practical instruction in operating plant hire equipment, in accord with requirements of the Construction Industries Training Board.

In April 2000 planning permission was granted for improvements to the existing access and the erection of a vehicle shed. In August of the same year permission was granted for the demolition of the original workshop building, the removal of the portacabin office and the erection of a new building for workshop/training use plus an extension to the office building. A revised application for the same development was subsequently approved in June 2001 and that development has now completed and is in use.

## SCHEDULE B: Reports Requiring Further Information

02/1205

### Details of Proposal:

Approval is sought to add an extension to the front of the L-shaped building approved in July 1996 for workshop purposes (see plan).

The proposed additional area would extend 6.05 metres from the front of the recessed area of the existing structure to make a rectangle. It would be 5.31 metres high to its highest point (approximately 1 metre higher than at present), would be clad in olive green profiled sheeting to match the remainder of the building and would provide 130 sq. m. of extra floorspace.

The application is brought before Members as a result of a letter of objection from nearby occupiers who are concerned about increased traffic movement and related increased noise nuisance.

The applicants state that there will be no difference in traffic movements from the existing pattern of activity. That is, however, the only information regarding the use and further details are sought.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

It would not appear likely that any adverse impact would arise to any adjacent or nearby occupiers by virtue of the use of the extension for storage of plant or equipment.

---

### Recommendation:

Reason for Including Report in Schedule B





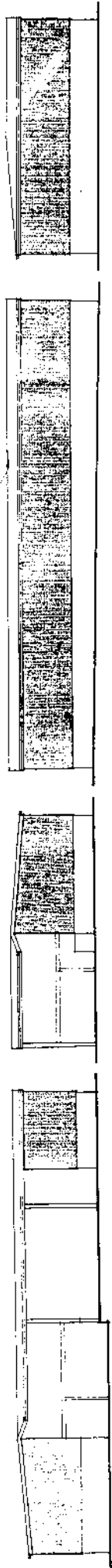
## SCHEDULE B: Reports Requiring Further Information

02/1205

Further information is awaited from the applicants confirming how the proposed extension is to be used.

---





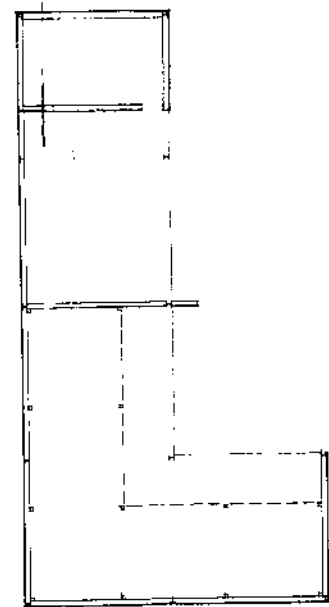
SE ELEVATION

SW ELEVATION

NW ELEVATION

NE ELEVATION

Materials:  
 Roof: Forme construction  
 Profile: gable building  
 Rafters: Merlon City (as shown)  
 Sillings: Olive Green (as shown)  
 Blackwork perimeter plinth wall



PLAN

1602/1225

PROPOSED OPEN STORE WESTMOOR - ROCKCLIFFE - CARLISLE For KEN HOPE LTD.	
CORR. No. 724/4A SCALE: 1:100 DATE: MAY 1997	JACK BROWN ARCHITECTS 27, SOUTHVIEW CARLISLE, CUMBRIA CA2 8JN TEL: 01273 511111 FAX: 01273 511112

## KINGMOOR PARISH COUNCIL

**Ken Hind**(Parish Clerk)  
Telephone 01228 531634

76 Brampton Road,  
Carlisle,  
Cumbria,  
CA3 9AU

E mail [kenh@carlisle-city.gov.uk](mailto:kenh@carlisle-city.gov.uk)

Alan Taylor,  
Chief Development Control Officer,  
Department of Environment & Development,  
Planning Services Division,  
Carlisle City Council, The Civic Centre,  
Carlisle CA3 8QG

**Proposal:** Extension to Storage Building.  
**Location:** Westmoor, Low Crindledyke, Rockcliffe, Carlisle.  
**App. No:** 02/1205

14 January 2003

PLANNING SERVICES	
REF	02/1205
	15
FILED IN	an
SEARCHED	
INDEXED	AMT
ACTION	

Dear Alan,

at our meeting on 9 January the Council expressed concern over the continuous development of this land over the years regarding what seems to be a gradual conversion from a rural site to an industrial development. I also explained to Council that we would also be receiving a retrospective application for work done on this land. This also caused concern. A verbal and written request for a deferment on this application was sent on 10 January 2003 through Parish Councillor Bill Brown.

I have been instructed to write to you explaining our concerns regarding what seems to be the continuous development of this site by the owner and the detrimental affect it is having on this rural area. The Council would also request a clarification of the site designation and for a site meeting between the Kingmoor Parish Council, Carlisle City and our district Councillor to discuss the situation at Westmoor.

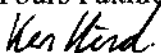
I would also like to raise another planning application:

**Proposal:** Erection of 2 dwellings. Phase 3, plots 16 & 17.  
**Location:** L/A to Crindledyke Estate. **App. No:** 02/1360

The council understands that these dwellings are actually under construction and permission is therefore being sought retrospectively. We have therefore deferred our decision and a site meeting is sought.

Please do not hesitate to contact me if you require any further information.

Yours Faithfully,

  
Ken Hind  
Clerk to the Parish Council

## SCHEDULE B: Reports Requiring Further Information

02/1227

---

**Item No: 38**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1227

**Applicant:**  
Barton Park Homes

**Parish:**  
Dalston

**Date of Receipt:**  
27/11/2002

**Agent:**  
Saunders Boston

**Ward:**  
Dalston

**Location:**  
Orton Grange Caravan Park, Orton Grange,  
Carlisle, CA5 6LA

**Grid Reference:**  
335410 551960

**Proposal:** Variation of condition no.2 of planning consent 00/0945 to allow additional 10no residential caravans

**Amendment:**

*Sam*

---

### Report

#### Planning Policies:

#### **Cumbria & Lake District Joint Structure Plan Policy 13**

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

#### **Carlisle District Plan Employment - Proposal EM13**

Within the Plan area, proposals for the development of caravan sites will be acceptable provided that:

1. The siting and scale of the proposal does not have an unacceptable adverse effect on the character of the local landscape; and
2. The site is adequately landscaped; and
3. The site is contained within existing landscape features; and
4. Adequate access and appropriate car parking can be provided.

## **SCHEDULE B: Reports Requiring Further Information**

02/1227

In addition, the Council will consider the need to impose seasonal restrictions through the use of planning conditions to safeguard the environment and landscape through the winter months.

### **Carlisle District Plan Housing - Proposal H17**

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

### **Carlisle District Plan Environment - Policy E8**

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any existing wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** no objections;

**Dalston Parish Council:** adjacent residents and Parish Councillors expressed

## **SCHEDULE B: Reports Requiring Further Information**

02/1227

concerns regarding the adequacy of existing foul drainage facilities. It was agreed that an assessment of the drainage situation should be requested. Some of the proposed residential caravans were shown as being adjacent to the A595 trunk road, therefore there was a query as to whether Department of Transport permission was required. Indications were that application 02/1227 was the first stage of two part application with a further 10no. residential units being applied for at a later date. It was resolved that an impact assessment was needed for 10no. caravans in relation to local services;

**Environmental Services:** no objections to the application providing that the new caravans comply with all site license conditions already in place;

**Environment Agency (N Area (+ Waste Disp)):** the above planning application has been examined at your offices and a copy of the application has been taken for further consideration;

**Design Services - Drainage Engineer:** no comments;

**Department of Transport (Highways Agency):** awaiting comments.

### **Summary of Representations:**

This application has been advertised by means of a site notice and notification letters sent to six neighbouring properties. In response three letters of objection have been received, the grounds for objection being;

1. the existing drainage facilities are inadequate to serve the existing site and would therefore be unable to accommodate any further development;
2. the 10 additional caravans are to be used for full time residential use;
3. the increased vehicular traffic from the proposed development would have an adverse impact, upon what is already a busy junction, where the road leading to the caravan park meets the A595 Carlisle to Wigton Road.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

There is a number of planning applications relating to this site. Planning permission was originally granted for the use of the land as a caravan site under application BA2669, which was granted approval in 1961. A further extension to the caravan site was approved in 1976, under application 76/0400. Under the most recent application, 00/0945, permission was granted to increase the number of residential caravans on the site from twenty two to twenty three.

#### **Details of Proposal:**

## **SCHEDULE B: Reports Requiring Further Information**

02/1227

This application seeks planning permission for the variation of condition 2 of planning consent 00/0945 to allow 10no. residential caravans at Orton Grange Caravan Park, Orton Grange, Carlisle. The caravan park is situated three miles to the southwest of Carlisle just off the A595 leading to Wigton. The existing site has access from the minor road, which leads to Dalton from the A595. The caravan park has been in operation since the 1960's. The application site is enclosed by residential properties along its northern and western boundaries. To the east of the application site there are open fields. To the south of the site is a business that operates as a mushroom farm. The mushroom farm also bounds part of the application site along its western boundary. The site has a good degree of screening, formed by coniferous trees and hedges, along all of its boundaries. A plan illustrating the location of the application site and its relationship to surrounding properties is reproduced in the Schedule.

Under the current site licence issued by the Environmental Services Department no more than twenty three residential caravans shall be stationed at the site for the purposes of human habitation. At any one time, for the purposes of human habitation, there shall be no more than 30 touring caravans or motor caravans between March 1st and October 31st and 10 touring caravans between 31st October and 1st March; none of which shall be present for more than 14 days in any 20 day period.

The application, as submitted, seeks planning permission for the variation of condition 2 of planning consent 00/0945 to allow an additional 10no. residential caravans. Four of the residential caravans proposed would be sited at the northern extent of the site adjacent to the residential dwelling, Hazeldene House. As part of this application it is the applicants intention to incorporate additional screening along the boundary between the caravan park and Hazeldene House. A further six residential caravans would be sited in the southern corner of the site directly to the east of Birch Close. The proposal would require a minor alteration to the road layout in the southern corner of the site in order to accommodate the residential caravans.

In consideration of this application Policies EM13 and H17 are relevant. Policy EM13 of the Local Plan requires that proposals for the development of caravan sites will be acceptable provided that the siting and scale of the proposal does not have an unacceptable adverse effect on the character of the local landscape; the site is adequately landscaped; the site is contained within existing landscape features and that adequate access and appropriate car parking can be provided. In addition to this the Council will consider the need to impose seasonal restrictions through the use of planning conditions to safeguard the environment and landscape through the winter months.

It should be noted that the proposed additional residential caravans would be sited on land, which is currently allocated for the siting of touring caravans/tents. The proposal does not involve any development taking place outside the boundaries of the existing site, which is well landscaped. Further landscaping is proposed along the boundary adjacent to Hazeldene House to minimise any potential impact upon the amenities of the property. Given the current level of screening and the fact that the application is for the siting of 10 additional residential caravans it is considered unreasonable to impose seasonal restriction with regards to the siting of the



## SCHEDULE B: Reports Requiring Further Information

02/1227

caravans. The Highway Authority has raised no objections to the proposal. It is the Officers view that the proposed development complies with Policy EM13.

Policy H17 seeks to protect the amenity of residential areas from inappropriate development. It states that the amenity of residential areas will be protected from inappropriate development where that development is for a use inappropriate for a residential area; is of an unacceptable scale; leads to an unacceptable increase in traffic or noise; is visually intrusive or where it would lead to a loss of housing stock. It is not considered that the development hereby proposed would adversely affect the amenities of any neighbouring residential properties.

Members will note that three objection letters, from occupants of neighbouring residential properties, have been received in response to this application. The concerns expressed by local residents have been addressed in the above paragraphs. However one issue remains outstanding. This relates to the concerns raised with regards to the existing drainage facilities on the site.

With regards to the concerns regarding the drainage facilities the applicant has stated that he is aware that the existing facilities are inadequate. It is the applicant's intention to up grade the existing system. Details of the new systems to be installed have been requested from the applicant, but have not yet been received. At the time of writing this report a response is still awaited from the Environment Agency, who are currently in discussions with the applicant regarding the above matter.

At the time of writing this report a response is still awaited from the Environment Agency and the Highways Agency. Details of the proposed new drainage systems to be installed by the applicant are also awaited. On the basis that the Highways Agency raise no objections to the application and that the issues regarding the drainage is successfully resolved the application will be recommended for approval.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not

## SCHEDULE B: Reports Requiring Further Information

02/1227

impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

---

**Recommendation:**

(SV)

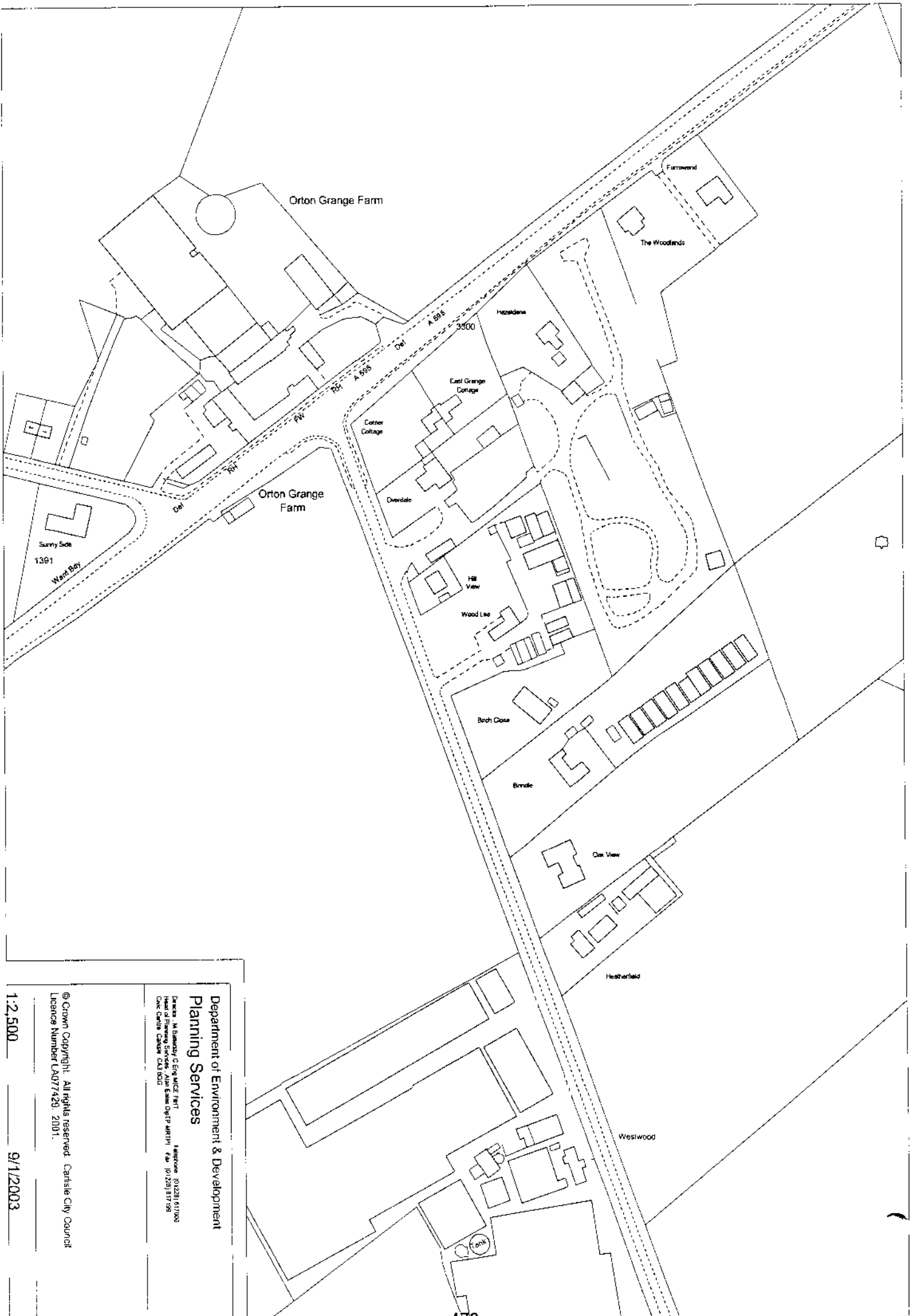
**Reason for including report in Schedule B**

At the time of writing this report a response is still awaited from the Environment Agency and the Highways Agency. Details of the proposed new drainage systems to be installed by the applicant are also awaited.

---

Supp Schedule

Page 67 - letters from agent



**Department of Environment & Development  
Planning Services**

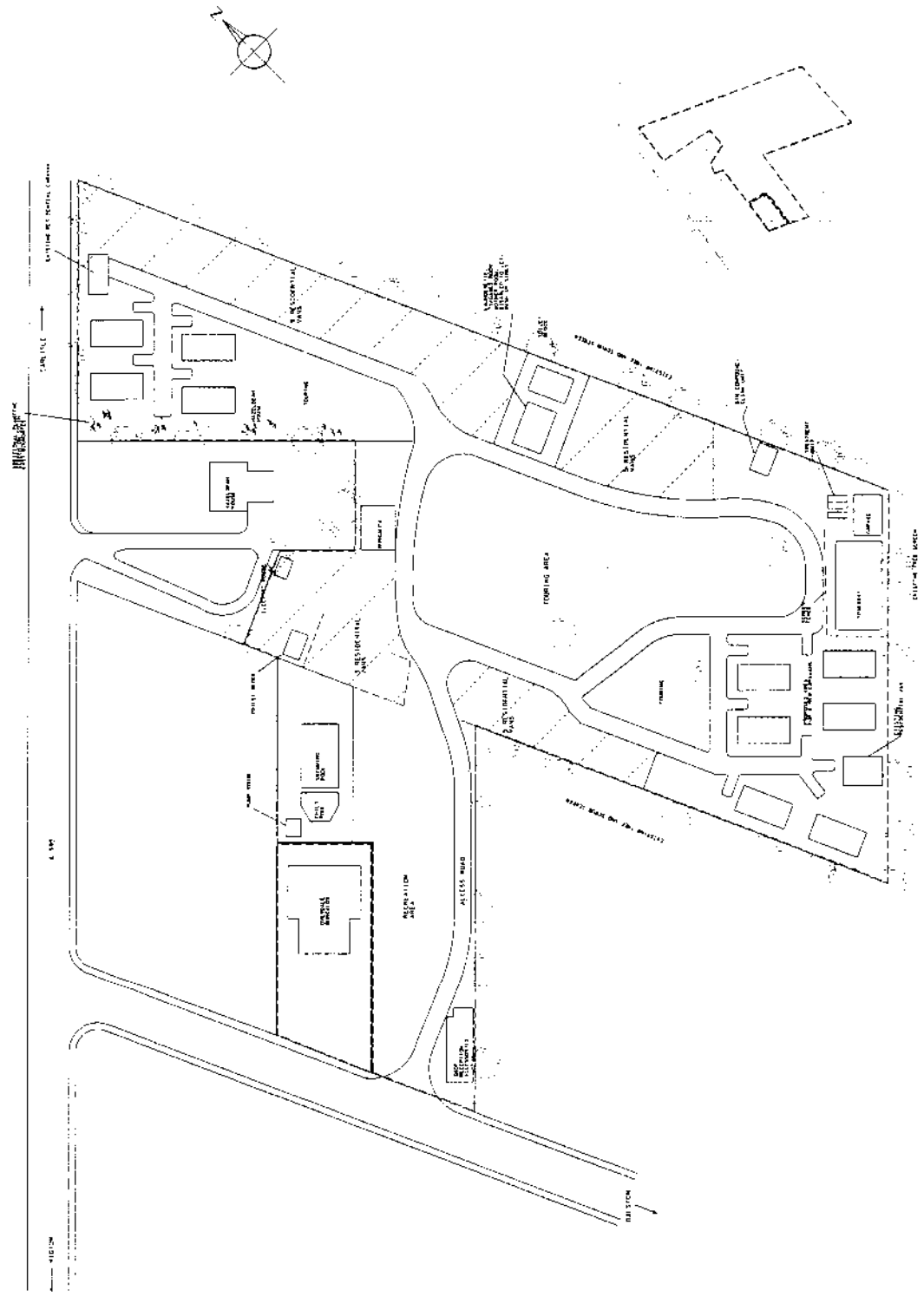
Director: M. Blandford, C. Eng. WIDE PART  
 Head of Planning Services: Alan Cassie, G.P. MARRI  
 One Castle Square, Salford S6 6DU  
 Telephone: 01204 610000  
 Fax: 01204 610000

© Crown Copyright. All rights reserved. Carlisle City Council  
 Licence Number LA077429. 2001.

1:2,500

9/1/2003

- 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
- 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 3. DIMENSIONS TO CENTER OF ROAD UNLESS OTHERWISE NOTED.
- 4. DIMENSIONS TO CENTER OF CURVE UNLESS OTHERWISE NOTED.
- 5. DIMENSIONS TO CENTER OF CIRCULAR DRIVE UNLESS OTHERWISE NOTED.
- 6. DIMENSIONS TO CENTER OF CIRCULAR DRIVE UNLESS OTHERWISE NOTED.
- 7. DIMENSIONS TO CENTER OF CIRCULAR DRIVE UNLESS OTHERWISE NOTED.
- 8. DIMENSIONS TO CENTER OF CIRCULAR DRIVE UNLESS OTHERWISE NOTED.
- 9. DIMENSIONS TO CENTER OF CIRCULAR DRIVE UNLESS OTHERWISE NOTED.
- 10. DIMENSIONS TO CENTER OF CIRCULAR DRIVE UNLESS OTHERWISE NOTED.

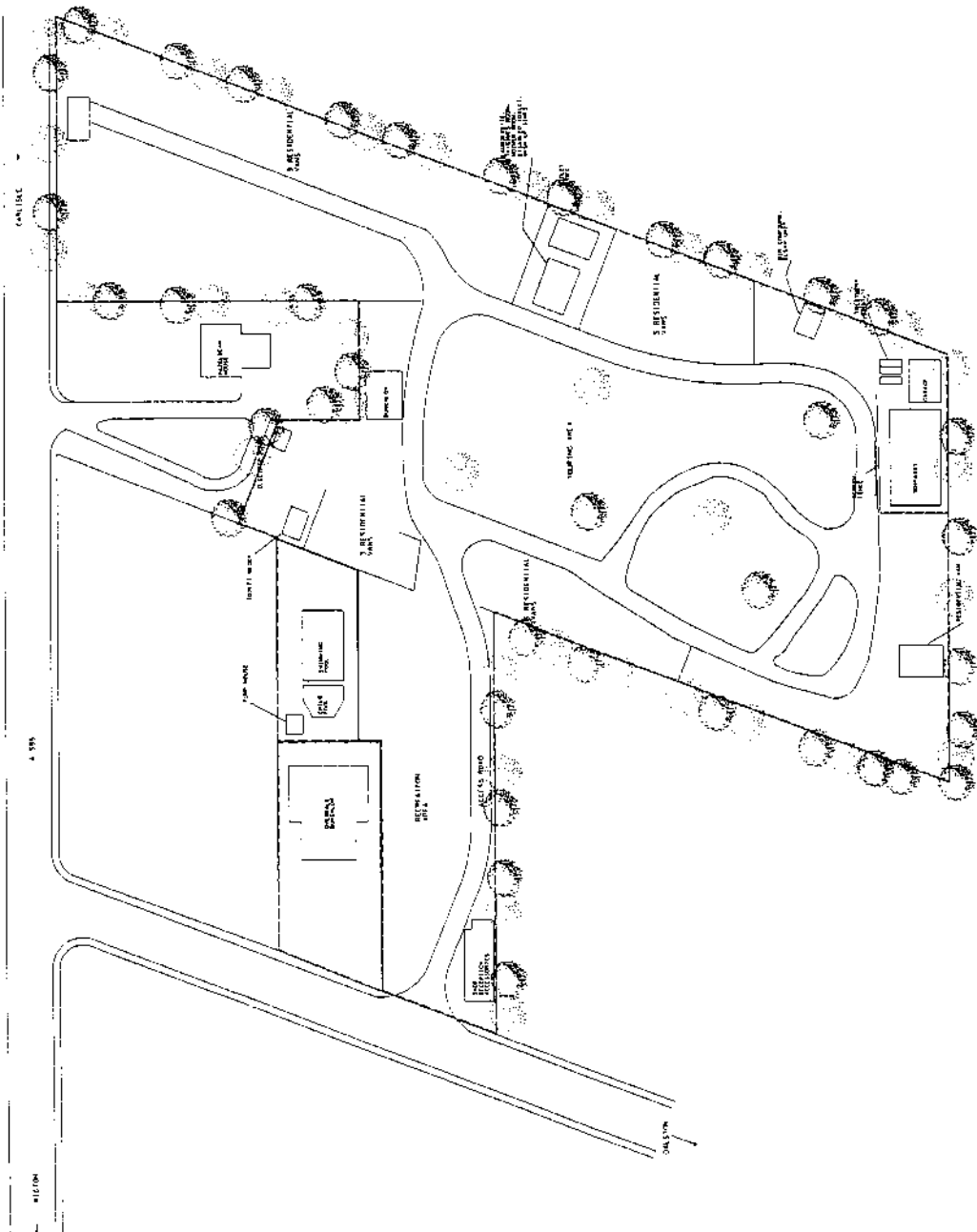


PLAN ORION GRANGE CARAVAN PARK AS PROPOSED LOCATION PLAN 1:2500

PROPOSED  
 ROSS & HAZEN

	<b>Saunders Boston</b> 1000 Beacon Street Boston, MA 02116 Tel: 617.552.1100 Fax: 617.552.1101
	Mr. C. Barton Orion Grange Caravan Park Proposed Site Plan 1:500 Nov. 02 SA-BW-5 725 / 01

- 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
- 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.



PLAN ORION GRANGE CARAVAN PARK

**RECEIVED**  
 23 NOV 2007  
 10:00 AM

<b>Saunders Boston</b> 1000 STATE STREET BOSTON, MA 02118 TEL: 617.552.1100 FAX: 617.552.1101 WWW.SAUNDERSBOSTON.COM	
Project:	Orion Grange Caravan Park
Client:	Mr. C. Barber
Drawn:	Erasing Site Plan
Scale:	1:500
Date:	2007.11.23

## SCHEDULE B: Reports Requiring Further Information

02/1234

---

**Item No:** 39

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1234

**Applicant:**  
Peregrine Properties

**Parish:**  
Carlisle

**Date of Receipt:**  
29/11/2002

**Agent:**  
Cubby Construction Ltd

**Ward:**  
Castle

**Location:**  
9 - 9A Fisher Street, Carlisle, CA3 8RF

**Grid Reference:**  
339935 556122

**Proposal:** Erection of building in style previously listed building (9) to provide 3no residential units

**Amendment:**

*John*

---

### Report

#### Planning Policies:

#### Listed Building

The proposal relates to a building which has been listed as being of Special Architectural or Historic Interest.

#### Conservation Area

The proposal relates to land or premises situated within the City Centre Conservation Area.

#### Affecting the Setting of a Listed Building

#### Carlisle District Plan Environment - Policy E43

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

## **SCHEDULE B: Reports Requiring Further Information**

02/1234

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** No objections.

**English Heritage - (Hist Bldg & Monuments):** "No. 9 Fisher Street was a Grade II listed building, within the conservation area, and its loss is regrettable in an area that has benefited from English Heritage grants. The retrospective application for demolition contains no structural report or other justification for demolition, nor does it describe any measures taken either the Local Authority or the owners to prevent its loss. Previous correspondence on the condition of this and neighbouring properties clearly indicates that they were in reasonable condition and could be incorporated in a scheme for re-use. This was confirmed by the English Heritage engineer. There is no explanation given as to why the buildings deteriorated so much that demolition became the only option, and this needs to be addressed. In addition, the application for re-build is simply void of any detail that would allow meaningful comment.

For these reasons English Heritage cannot comment on either the demolition or the re-development until much more information is given."

**Ancient Monument Society - Amenity:** If a replica building is to be erected on this site, it is important that materials and features salvaged from the original, and authentic design details and materials, in terms of windows, and finishes are used. Consideration could also be given to a replacement building with good quality design.

**Council for British Archaeology - Amenity:** Awaiting comments.

**Cumbria County Council - Archaeology:** In view of the collapse of the building, and the creation thereby of a further vacant site, a watching brief condition is recommended.

**Georgian Group - Amenity:** Awaiting comments.

**Royal Commission on Historical Monuments (England) - Amenity:** Awaiting comments.

**Society for the Protection of Ancient Buildings - Amenity:** Awaiting comments.

**Victorian Society - Amenity:** Awaiting comments.

### **Summary of Representations:**

This application has been advertised by means of press and site notices and neighbour notification. No responses have been received.

### **Details of Proposal/Officer Appraisal:**

**Planning History:**

## SCHEDULE B: Reports Requiring Further Information

02/1234

The buildings on this now vacant site comprised No.9 Fisher Street, a listed building which had been vacant for many years, an adjoining single storey building last used as a carpet shop, a former mill building to the rear and a brick building adjoining No. 7, which had been vacant for many years and a gap site formerly occupied by the United Reformed Church which was demolished with Conservation Area Consent in 1985.

Various schemes were put forward for the redevelopment/refurbishment of the site/building. In 1990, one scheme for office use (90/1239) was approved, but never implemented. Then in 2001, a scheme involving the refurbishment of the listed building and the erection of new buildings to both sides and the rear was approved, with planning permission and listed building consent granted, and Conservation Area Consent for the demolition of the buildings on 2nd November 2001.

### **Details of Proposal:**

This application and 02/1235 which follows in the schedule, relate to the site of 7-9 Fisher Street. As explained in the history section of the report, proposals for the redevelopment of this site were approved in November 2001, involving the erection of new buildings, but also the retention and refurbishment of the listed building no. 9 Fisher Street.

This building had been empty for many years and its condition was known to have deteriorated. Nevertheless, following numerous inspections by amongst others, English Heritage staff, it was regarded as being capable of being saved, and its retention was regarded as a key feature of the scheme which was approved.

Work had started following the approval of this scheme and the two buildings which were the subject of a Conservation Area Consent for demolition had been removed. Work on No.9 Fisher Street, including roof repairs and floor strengthening had been completed by the middle of October. On the 28th October the south gable of No. 9 collapsed taking with it parts of the front and rear walls. The structure was investigated by the Chief Building Inspector and the Conservation Officer to establish if anything could be done to stabilise what remained. Unfortunately the structure was considered too dangerous to allow any strengthening or support work to be carried out inside the building and it was resolved that the property had to be demolished. The current application for the replacement building (02/1234) and the demolition of the listed building have been submitted following the collapse.

The proposal is to erect a replica building with the same plan form, elevations and details of materials etc., so that the new building will look the same as the original. This was a 3 storey 18th century house, used more recently for commercial purposes. The building had been altered so that it had a tiled roof and a vehicular entrance through to the rear yard. The replacement building will omit the vehicular entrance and will have a slate roof, thereby retaining alterations to the original building that were part of the November 2001 approval.

The replacement building will have sash windows to match the originals, stone door surround to match the original, matching front door and the internal joinery (panelling, cornices and dado rails) will also be replicated from samples of the



## SCHEDULE B: Reports Requiring Further Information

02/1234

originals which were removed before the collapse. The samples had been taken because so much of the original internal detailing had been damaged from two previous fires. These fires and the general decay of the building fabric were the reasons for the planning condition on the previous approval which required a method statement detailing the measures to be taken to ensure the repairs could be carried out in safety and without jeopardising the structure. Although some information had been received and discussions had been taking place, no formal statement was submitted. After the collapse, the developer blamed the contractor, who in turn has set out in a letter measures taken to strengthen the structure. It is also relevant to state that the matter is under investigation by the Health and Safety Executive. At this stage, it is not possible to state with certainty why the collapse occurred. This is the issue highlighted in the consultation response from English Heritage, and the applicant has been requested to provide this additional information, together with a detailed specification as set out above.

The current proposal is likely to be the best solution in what is an unsatisfactory situation, but the additional information referred to above is needed before a recommendation for approval can be given.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This application does not raise issues arising from the Human Rights Act.

---

### Recommendation:

A to I

### Reason for including report in Schedule B

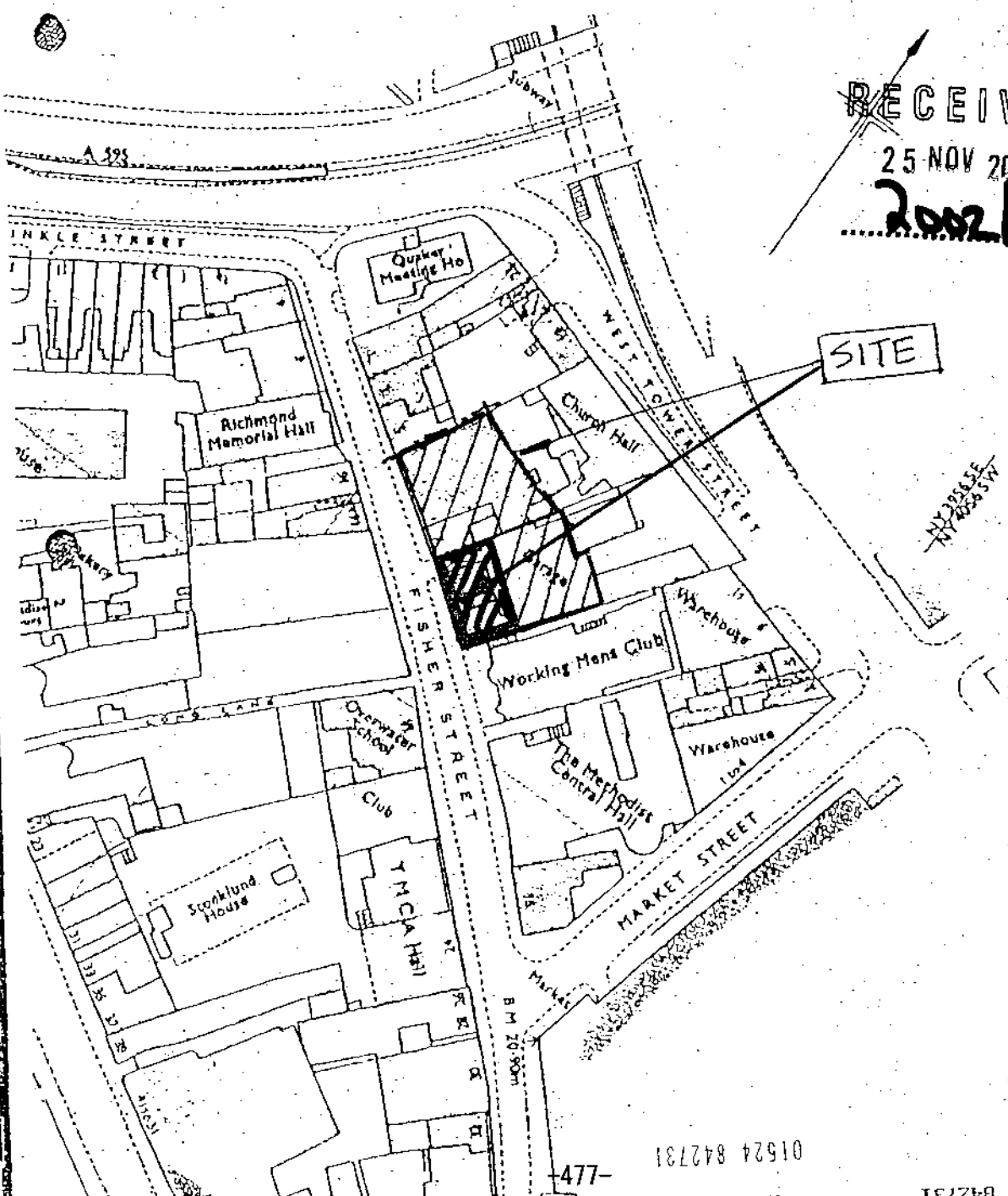
This application has been placed on Schedule B because further information is awaited from the applicant regarding the circumstances of the collapse of the listed building and the detailed specification of the replacement building.

Rec'd from J.A.  
15/1/01

# GENERAL INFORMATION (continued)

Office Copy

REGISTRY	TITLE NUMBER	
	<b>CU60958</b>	
NY 3956	SECTION B	Scale 1/1250
DISTRICT CARLISLE		© Crown copyright 1980



**RECEIVED**  
25 NOV 2002  
2002/1235

ce (La  
change

ivilege  
cupied

tions A

emmy  
sequent  
register  
ay, whi

they a  
ered in  
in H.M  
No su  
decide  
tion.

r gener

hedge  
beyon

ted, an

late an  
rs whi

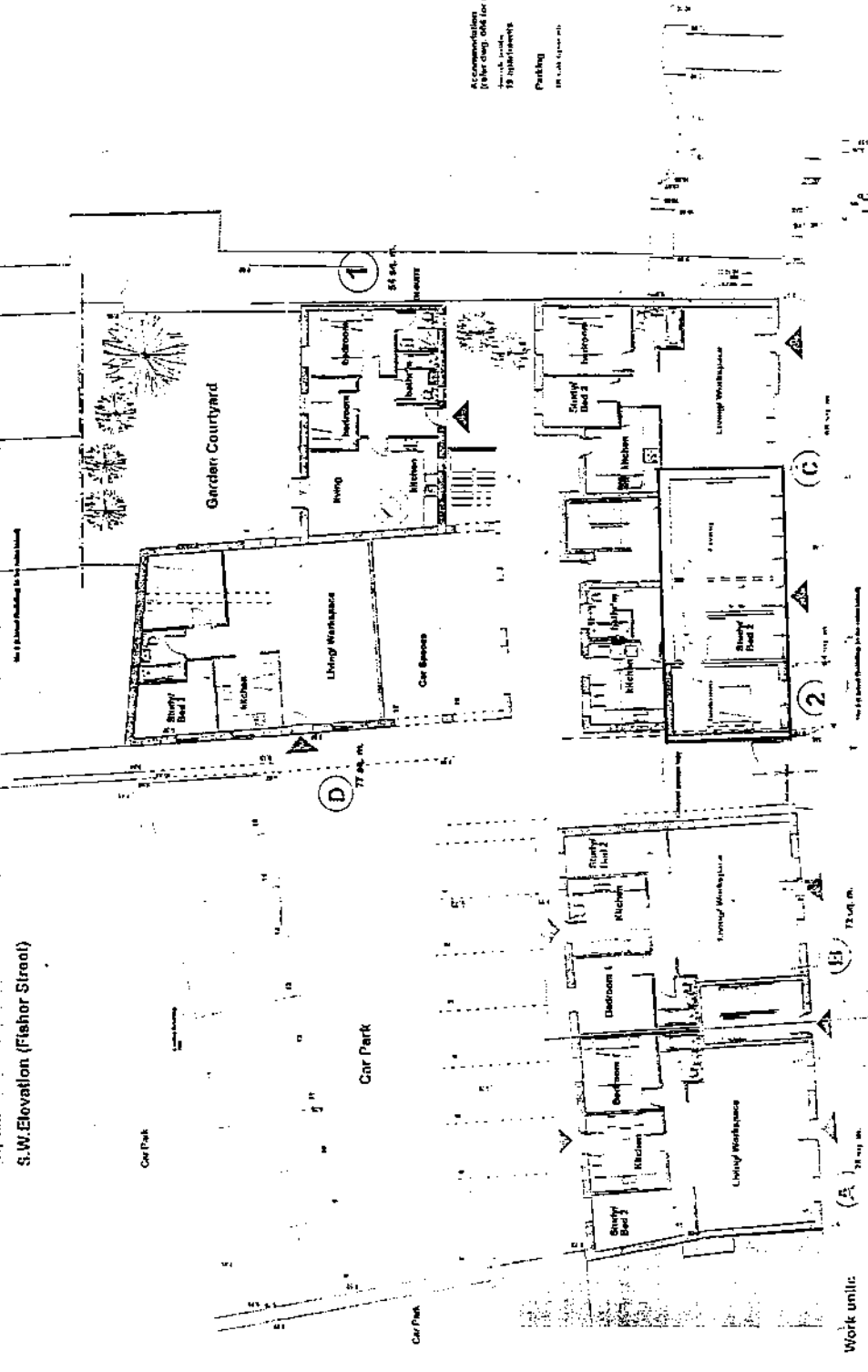
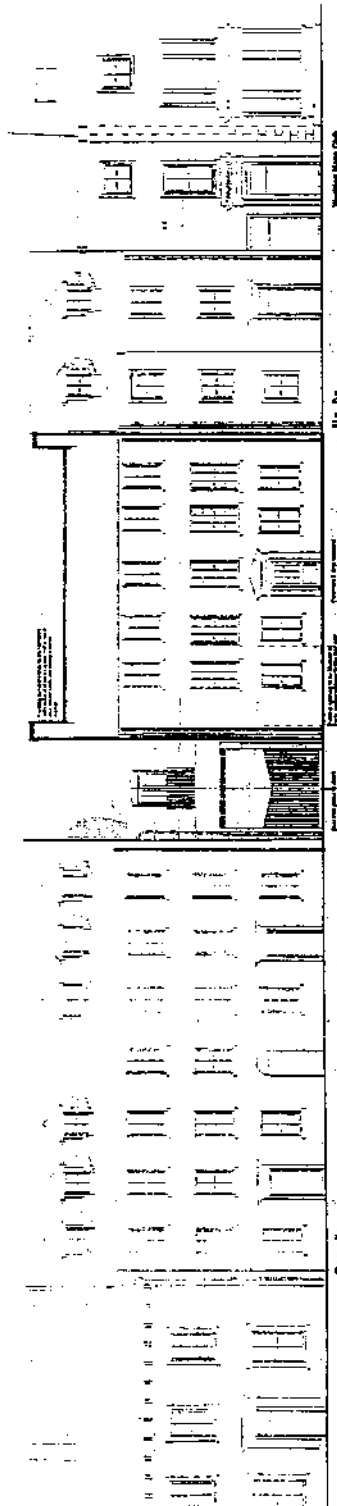
land) t

Acta, l

nd, by  
agricult

x sent by : 01524 842731

F. MARKS  
 Road  
 General site throughout - repair to  
 match sites removed from existing  
 buildings  
 Walls  
 Brick facing  
 Facing brick to car park equal to  
 existing  
 Concrete slabs to be facing brick with  
 concrete panels  
 No. 7  
 Facing brick to front and rear elevations  
 No. 1  
 Smooth brick render in front and rear elevations  
 No. 14  
 Facing brick to street elevation with render in  
 car park



Accommodation  
 (After drop, one for schedule)  
 19 units  
 19 type layouts  
 Parking  
 19 car spaces

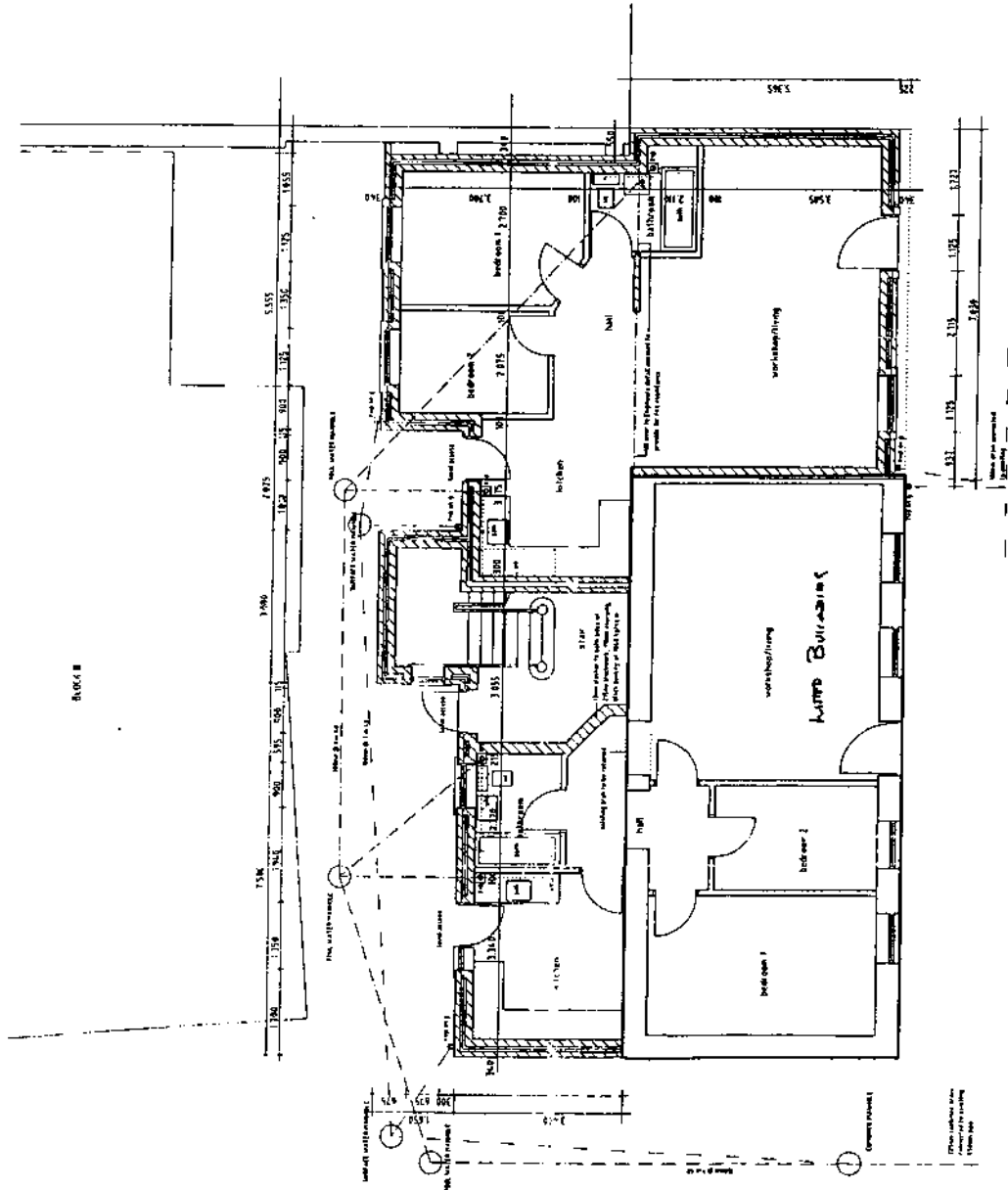
RECEIVED  
 28 DEC 1981

Date of M. & C. submission received: 22.12.81  
 Planning Ref: 81/011

PROJECT NO.	081/011 Fisher Street
CLIENT	CARLISLE
DESIGNER	Ground Floor Plan & Interior Elevation
ARCHITECT	Hills Edwin Limited Chartered Architects
DATE	22.12.81
SCALE	1:100

Hills Edwin Limited  
 Chartered Architects  
 100, Broad Street, Birmingham B1 2EG  
 Telephone: 01-218 3333  
 Telex: 250000  
 Fax: 01-218 3333

Humphreys & Partners  
 Draftsmen



FOR CONSTRUCTION NOTES SEE DWG NO FS/A/03  
 TEMPORARY BENCHMARK TO BE DETERMINED ON SITE

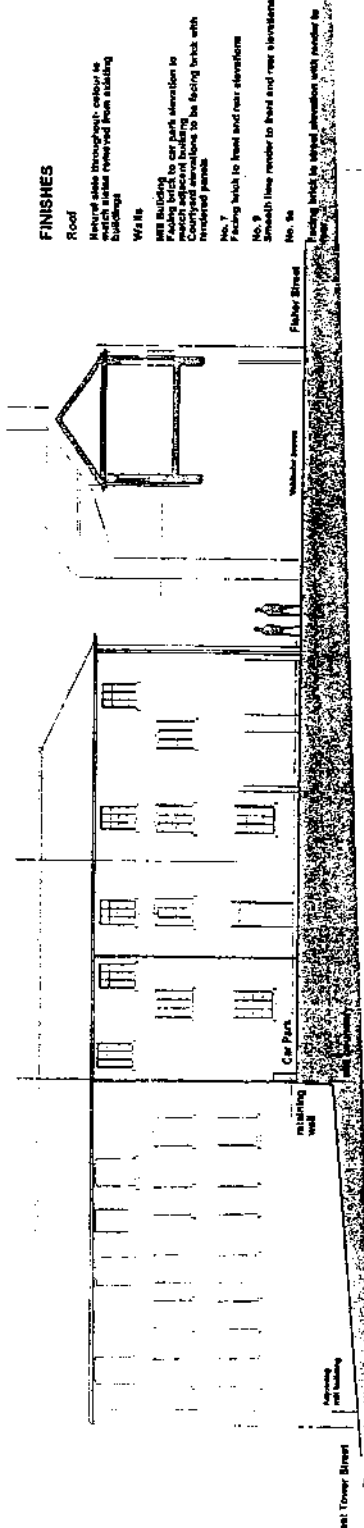
02 SEP 2002

rev C 28.02 Building Regulation information  
 rev B 07.02 layout amended  
 rev A 06.02 layout amended

<b>CONTRACT</b>	
DEVELOPMENT OF FLATS AT FISHER STREET CARLISLE	
SCALE 1:150	DATE MAY 2002
CLIENT	Cubby Construction
<b>TITLE</b>	
Block A - Ground Floor Plan	
LITTLE BUILDINGS Flat to Demolition 2002/11/24	

**FINISHES**

- Roof**  
Reinforced concrete throughout, exterior to match notes received from existing buildings.
- Walls**  
1983 Building  
Facing brick to car park elevation to courtyard level and above.  
Courtyard elevation to be facing brick with reinforced panels.
- No. 7  
Facing brick to level and rear elevations.
- No. 9  
Smooth lime render to level and rear elevations.
- No. 16  
Facing brick to level elevation with render to rear elevation.



Elevation 3 (from car park)

**Schedule of Accommodation**

Ground floor residential units with:

Unit A - 12 sq m	129 sq ft
Unit B - 12 sq m	129 sq ft
Unit C - 12 sq m	129 sq ft
Unit D - 12 sq m	129 sq ft
<b>Total</b>	<b>517 sq m</b>

Apartments (ground floor)

No. 1	52 sq m	559 sq ft
No. 2	52 sq m	559 sq ft

Apartments (first floor)

No. 3	52 sq m	559 sq ft
No. 4	52 sq m	559 sq ft
No. 5	52 sq m	559 sq ft
No. 6	52 sq m	559 sq ft
No. 7	52 sq m	559 sq ft
No. 8	52 sq m	559 sq ft
No. 9	52 sq m	559 sq ft

Apartments (second floor)

No. 10	52 sq m	559 sq ft
No. 11	52 sq m	559 sq ft
No. 12	52 sq m	559 sq ft
No. 13	52 sq m	559 sq ft
No. 14	52 sq m	559 sq ft
No. 15	52 sq m	559 sq ft
No. 16	52 sq m	559 sq ft

Floor / Apartments (third floor)

Floor 17	52 sq m	559 sq ft
Floor 18	52 sq m	559 sq ft
Floor 19	52 sq m	559 sq ft

Excluded are garage floor areas, external wall service and communication stacks and not included.

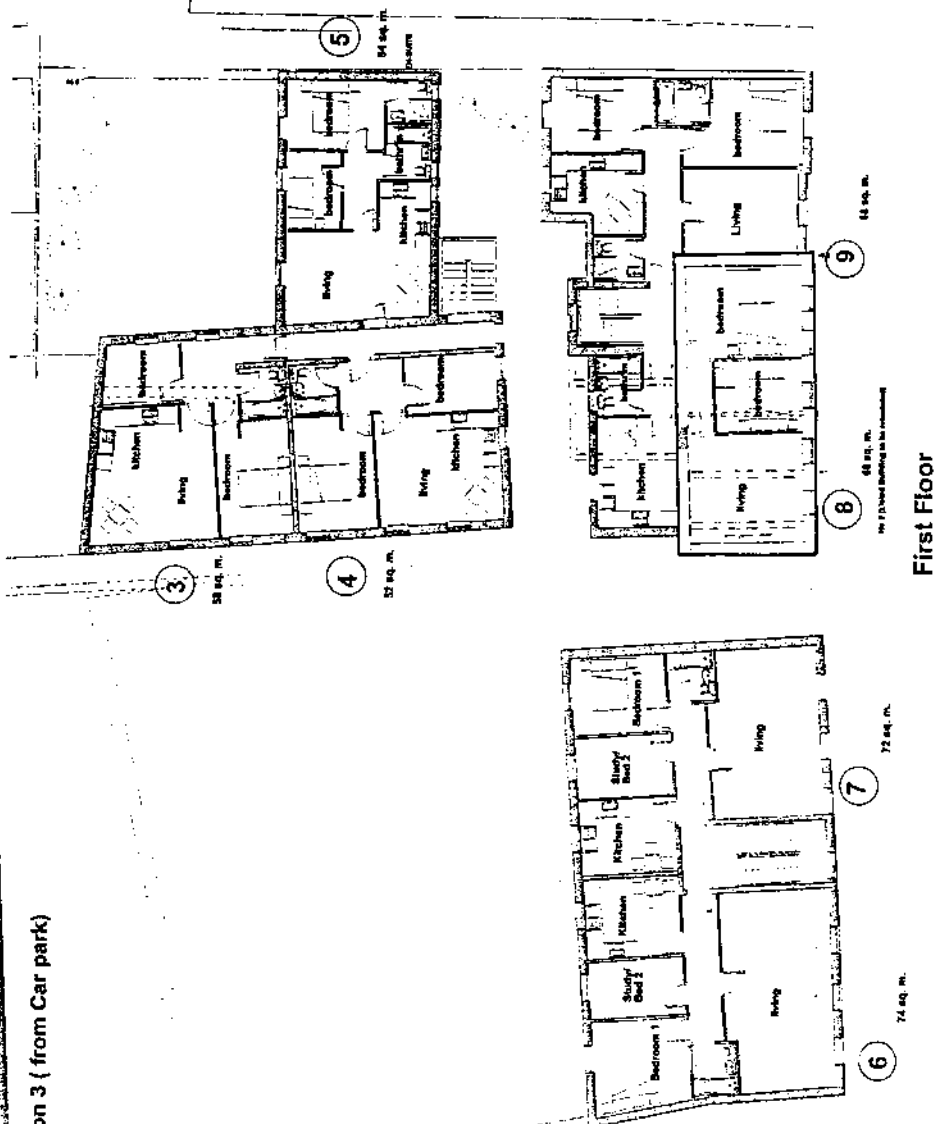
**RECEIVED**  
7/9 DEC 1987

No. 1 Apartment E. Plan  
23/1/87 22/01/87

00119 Fisher Street  
**CARLUSSÉ**  
First Floor Plan  
Elevations

HWA Evans Limited  
Chartered Architects  
100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

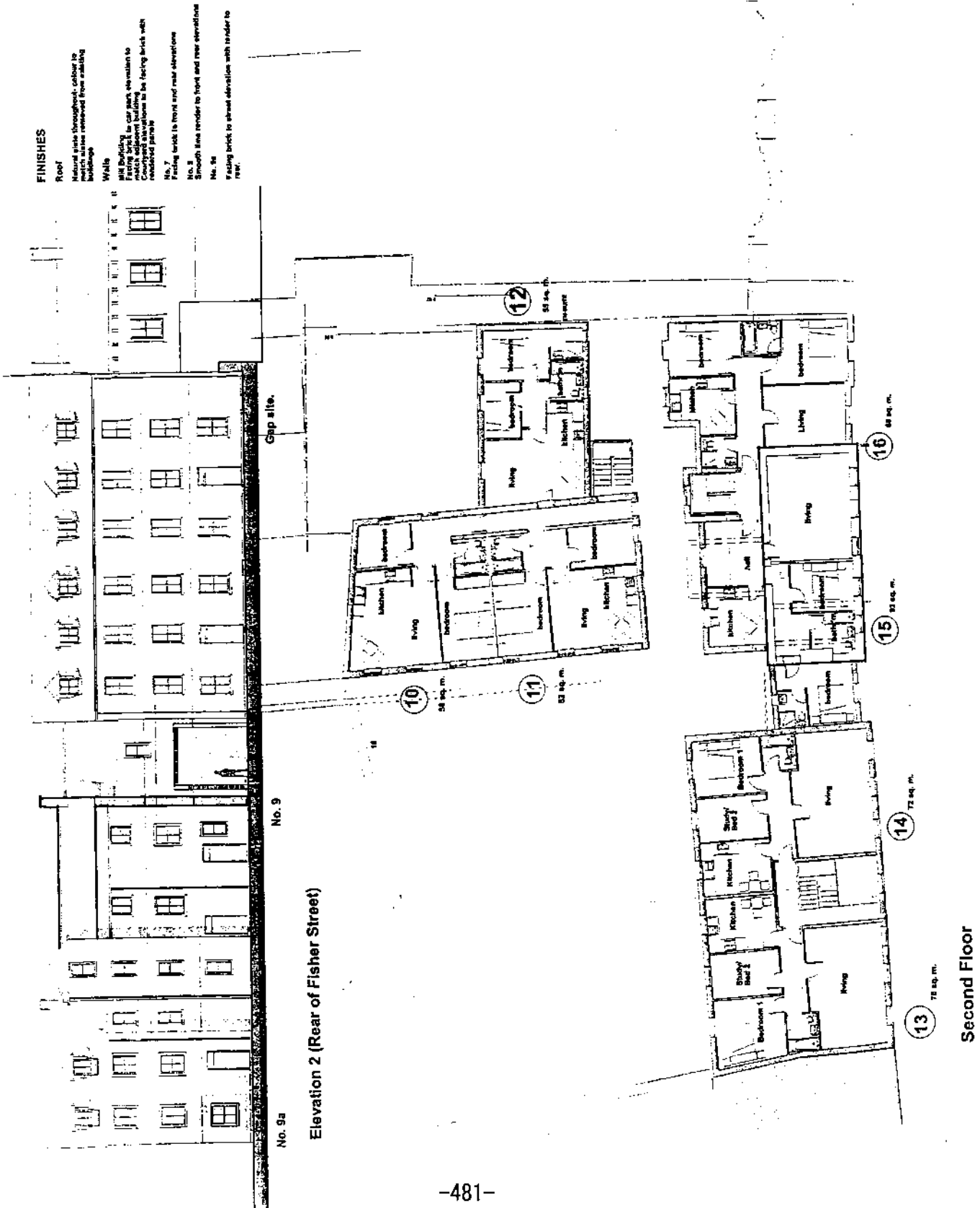
Water Building is also Demolition



First Floor

**FINISHES**

- Roof**  
Natural pine throughout, colour to match exterior, gutters removed from existing buildings.
- Walls**  
All Building to use oak, attention to be given to matching adjacent buildings. Coloured stucco to be facing brick with recessed panels.
- No. 7 Facing brick to front and rear elevations.
- No. 8 Smooth lime render to front and rear elevations.
- No. 9a Facing brick to street elevation with render to rear.



RECEIVED  
28 DEC 1962

Plan of Approval No. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

Project No.	00110 Fisher Street
Project Name	CARISLE
Architect	Hills Erwin Limited Chartered Architects
Scale	1:100
Date	27.12.62

Lured Builders Place  
to Donation

RECEIVED  
7 1 DEC 1987

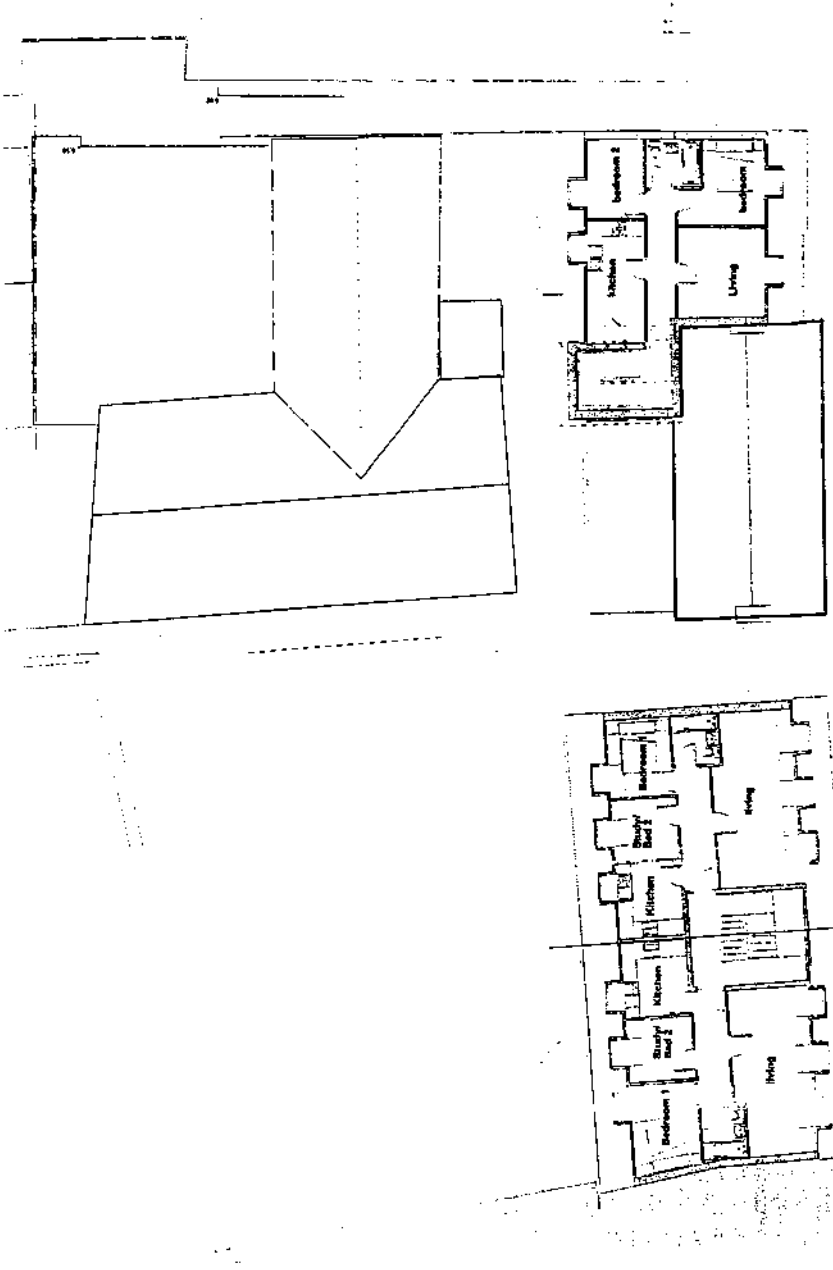
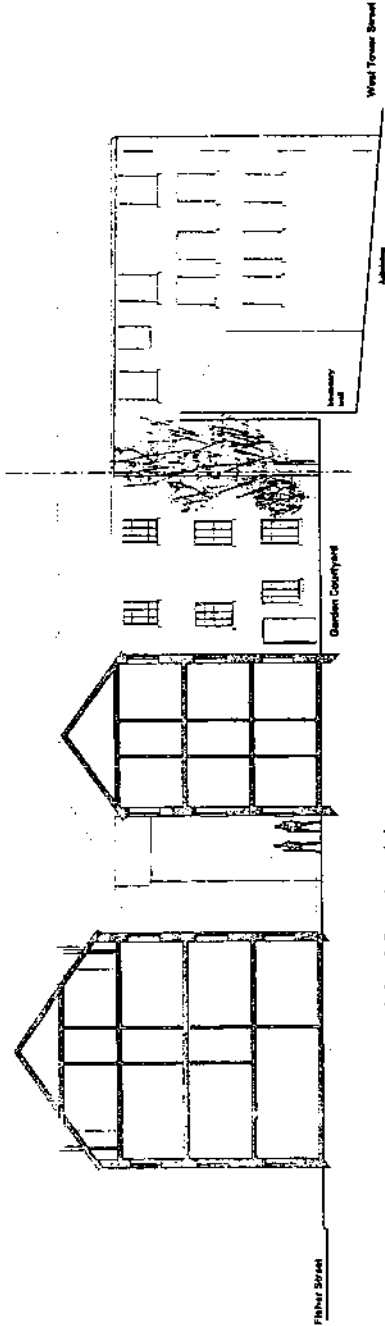
Project Name 00119 Fisher Street CARLSLE	Drawing Information 20.07.87
Drawing Title Third Floor Plan & Elevations	Date 19.12.87
Architect H.W. Griffiths Limited Chartered Architects 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000	Drawing No. 20.07.87

Lynn Bouslog A  
the Donalton

**FINISHES**

- Roof**  
Neutral tone throughout. Colour to match slates removed from existing buildings.
- Walls**  
MSB Building Facing brick to rear part elevation to match adjacent building. Remaining elevations to be facing brick with rendered panels.
- No. 7**  
Facing brick to front and rear elevations.
- No. 8**  
Smooth lime render to front and rear elevations.
- No. 9a**  
Facing brick to street elevation with render to rear.

**Section/ Elevation ( thro' Courtyards)**

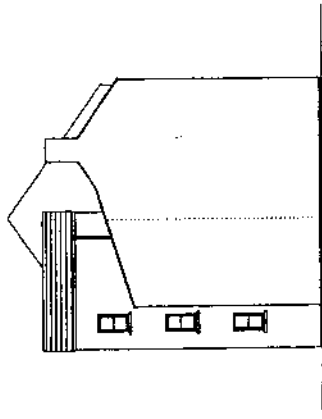


19 52 sq. m.

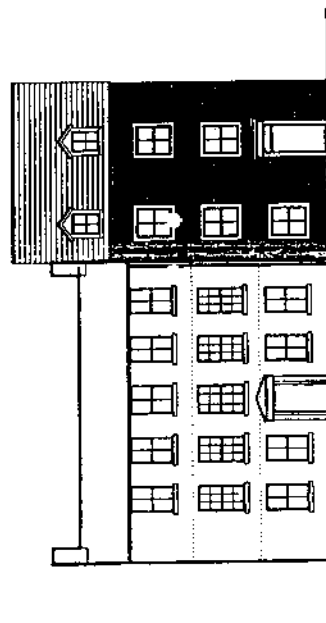
18 57 sq. m.

17 55 sq. m.

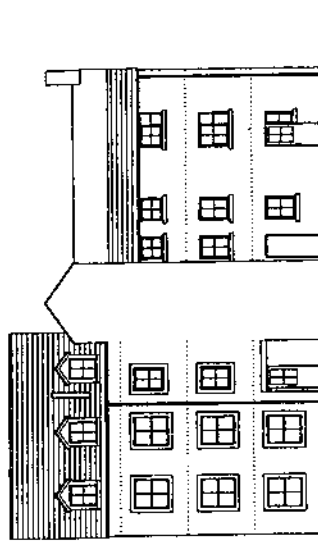
3<sup>rd</sup> Floor



SIDE ELEVATION



ELEVATION TO FISHER STREET



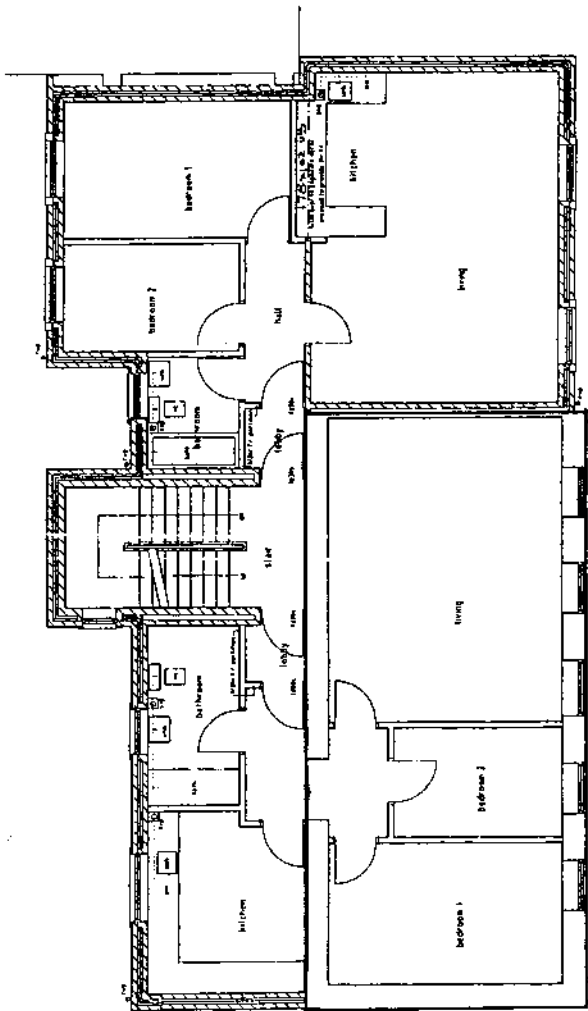
REAR ELEVATION

RECEIVED  
15 MAY 2007  
Architectural

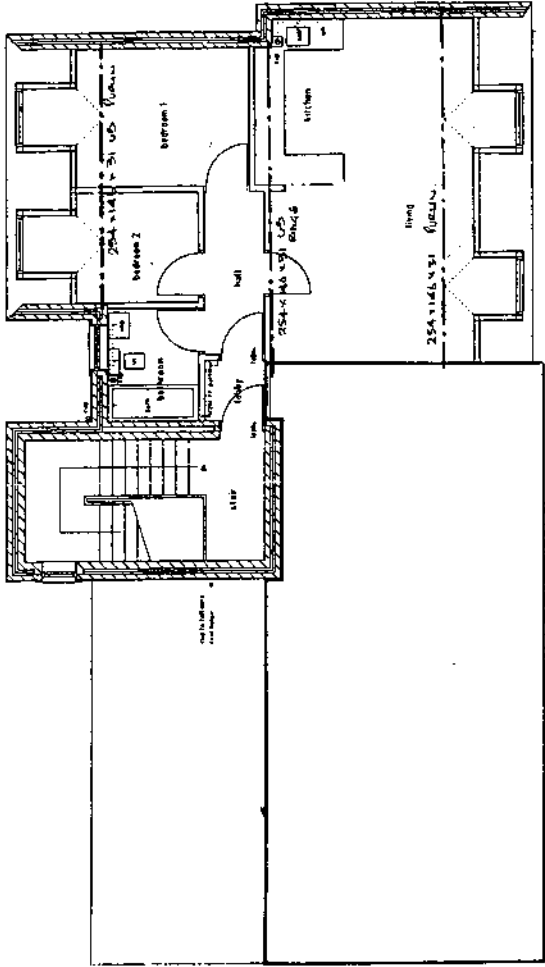
FOR A REAR REAR VIEW, SEE ANNOTATED

CONTRACT DEVELOPMENT OF FLATS AT FISHER STREET CARLISLE	DRAWN SCALE 1:100	DATE August 2007	DATE NO. FS/A/04_A
CLIENT Cubby Construction			
TITLE Block A Elevations			
RECEIVED 15 MAY 2007			

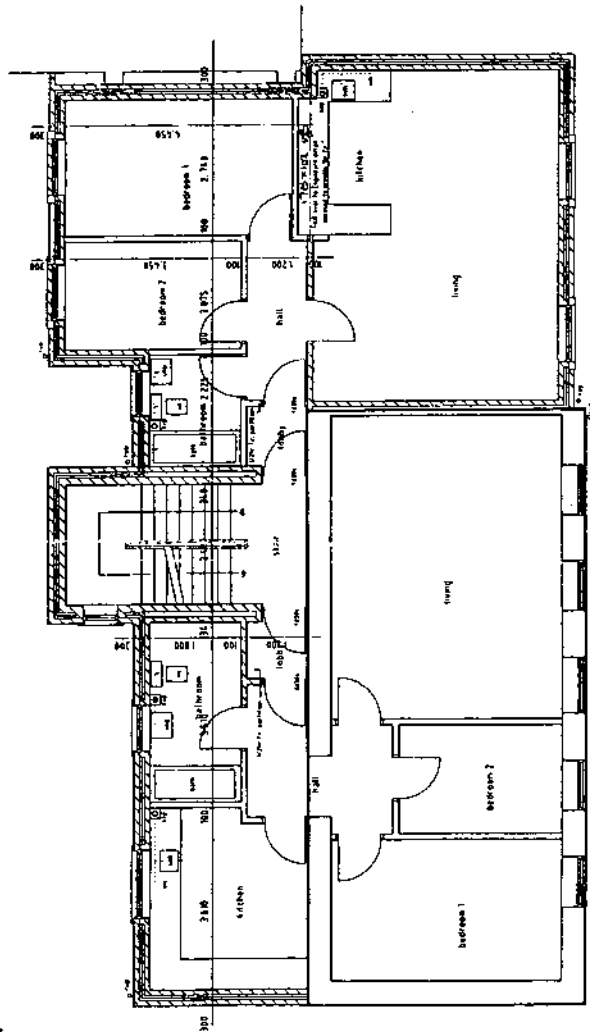




SECOND FLOOR PLAN



THIRD FLOOR PLAN

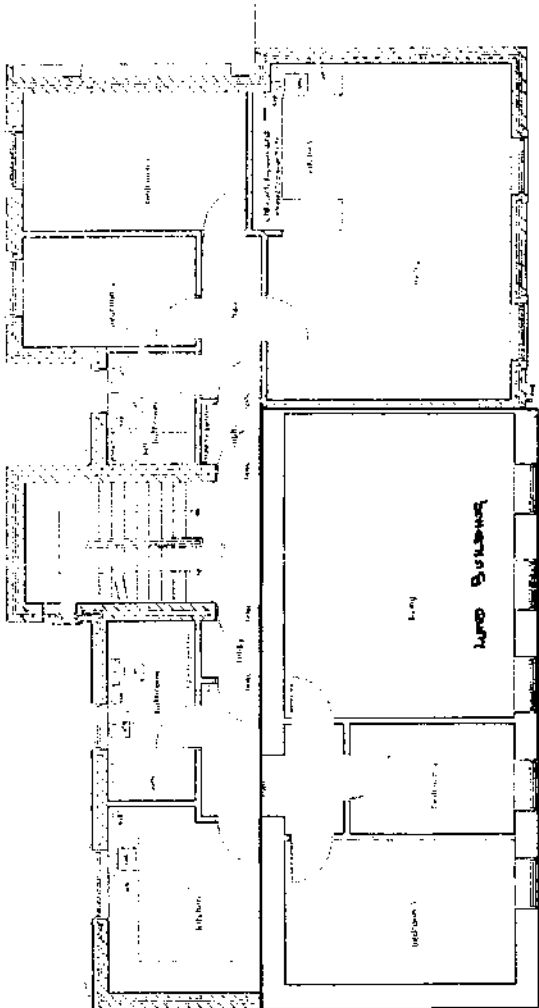


FIRST FLOOR PLAN

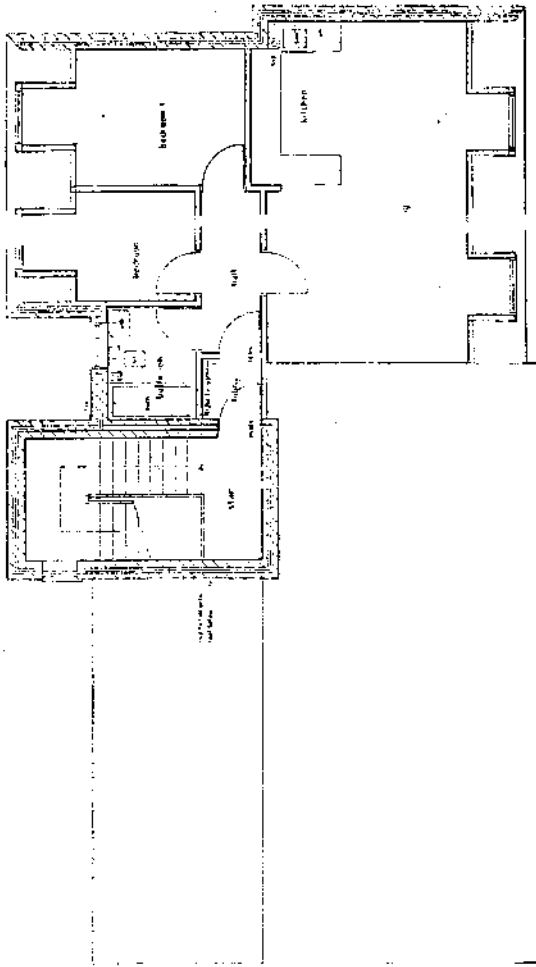
FOR CONSTRUCTION NOTES SEE DWG NO FS/A/03

ref: C 08 07 Building Regulations Information RECEIVED: 8 JUL 2002  
 ref: S 06 07 Layouts amended  
 ref: A 06 07 Layouts amended

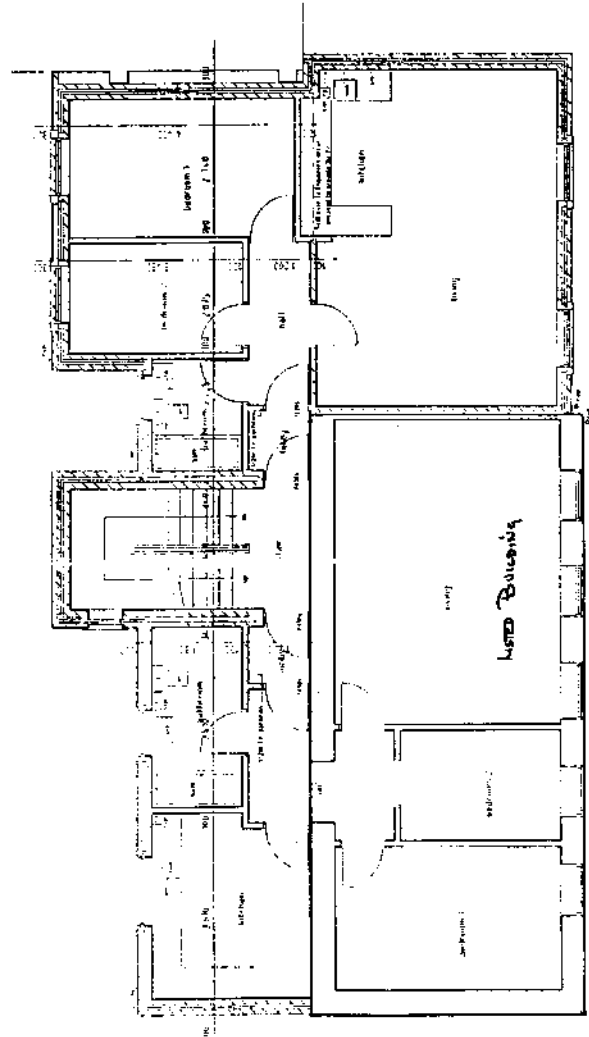
CONTRACT	
DEVELOPMENT OF FLATS AT FISHER STREET CARLISLE	
SCALE: 1:50	PLAN NO.
DATE: MAY 2002	DRAWING: FS/A/02
CLIENT Cubby Construction	
TITLE Block A - First, Second, Third Floor Plans	
<i>Robert Bould</i> CONSULTANT: 2703910 2/4 <i>2001/1/11</i>	



SECOND FLOOR PLAN



THIRD FLOOR PLAN



FIRST FLOOR PLAN

FOR CONSTRUCTION NOTES SEE DWG NO FS/A/03

03 SEP 2002

For C 08 03 Builder - Regulation information  
 For B 08 02 Layout - Standard  
 For A 08 02 Layout - Standard

<b>CONTRACT</b> DEVELOPMENT OF FLATS AT FISHER STREET CARLISLE		SCALE 1:50	DRAWN
DATE MAY 20	DWG NO. FS/A/02 C	CLIENT Cubby Construction	
TITLE Block A - 1st, Second, Third Floor Plans			
Lester Bonavia Prior to Demolition			
26.01.02			

Cubby Construction  
Port Road  
Carlisle  
CA2 7AJ

**Please ask for:** John Hamer  
**Direct Line:** 01228 817172  
**E-mail:** JohnHam@carlisle-city.gov.uk  
**Your ref:**  
**Our ref:** CJH/CN/DC/02/1234

10 January 2003

Dear Sir

### **9 FISHER STREET - APPLICATION 02/1234**

Further to the above application and my telephone conversation with Mr Salkeld, I write to confirm the following points:-

1. Further information is required related to the collapse and demolition of the listed. This is highlighted in the enclosed consultation response from English Heritage. In particular, an explanatory report with input from the structural engineer present on site is required.
2. A detailed specification is required for the replacement building, dealing with the floor plan, materials and finishes. Wherever possible the latter should be based on samples taken from the original, and all this needs to be set out in the specification.

As explained in the enclosed consultation response from the County Archaeologist, it will be necessary to attach a condition on any approval granted.

Yours faithfully

**J Hamer**  
Principal Development Control Officer



INVESTOR IN PEOPLE

1

## SCHEDULE B: Reports Requiring Further Information

02/1235

---

**Item No: 40**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1235

**Applicant:**  
Peregrine Properties

**Parish:**  
Carlisle

**Date of Receipt:**  
29/11/2002

**Agent:**  
Cubby Construction Ltd

**Ward:**  
Castle

**Location:**  
9 - 9A Fisher Street, Carlisle, CA3 8RF

**Grid Reference:**  
339935 556122

**Proposal:** Demolition of no. 9 Fisher Street (LBC)

**Amendment:**

---

### Report

#### Planning Policies:

##### Listed Building

The proposal relates to a building which has been listed as being of Special Architectural or Historic Interest.

##### Listed Building in a Conservation Area

The proposal relates to a building listed as being of Special Architectural or Historic Interest and which is situated within the City Centre Conservation Area.

##### Conservation Area

The proposal relates to land or premises situated within the City Centre Conservation Area.

#### Summary of Consultation Responses:

**Cumbria County Council - (Highway Authority):** No objections.

**English Heritage - (Hist Bldg & Monuments):** "No. 9 Fisher Street was a Grade II listed building, within the conservation area, and its loss is regrettable in an area that has benefited from English Heritage grants. The retrospective application for demolition contains no structural report or other justification for demolition, nor does it describe any measures taken either the Local Authority or the owners to prevent

## SCHEDULE B: Reports Requiring Further Information

02/1235

its loss. Previous correspondence on the condition of this and neighbouring properties clearly indicates that they were in reasonable condition and could be incorporated in a scheme for re-use. This was confirmed by the English Heritage engineer. There is no explanation given as to why the buildings deteriorated so much that demolition became the only option, and this needs to be addressed. In addition, the application for re-build is simply void of any detail that would allow meaningful comment.

For these reasons English Heritage cannot comment on either the demolition or the re-development until much more information is given."

**Ancient Monument Society - Amenity:** If a replica building is to be erected on this site, it is important that materials and features salvaged from the original, and authentic design details and materials, in terms of windows, and finishes are used. Consideration could also be given to a replacement building with good quality design.

**Council for British Archaeology - Amenity:** Awaiting comments.

**Cumbria County Council - Archaeology:** In view of the collapse of the building, and the creation thereby of a further vacant site, a watching brief condition is recommended.

**Georgian Group - Amenity:** Awaiting comments.

**Royal Commission on Historical Monuments (England) - Amenity:** Awaiting comments.

**Society for the Protection of Ancient Buildings - Amenity:** Awaiting comments.

**Victorian Society - Amenity:** Awaiting comments.

### **Summary of Representations:**

This application has been advertised by means of press and site notices and neighbour notification. No responses have been received.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

The buildings on this now vacant site comprised No.9 Fisher Street, a listed building which had been vacant for many years, an adjoining single storey building last used as a carpet shop, a former mill building to the rear and a brick building adjoining No. 7, which had been vacant for many years and a gap site formerly occupied by the United Reformed Church which was demolished with Conservation Area Consent in 1985.

Various schemes were put forward for the redevelopment/refurbishment of the

## SCHEDULE B: Reports Requiring Further Information

02/1235

site/building. In 1990, one scheme for office use (90/1239) was approved, but never implemented. Then in 2001, a scheme involving the refurbishment of the listed building and the erection of new buildings to both sides and the rear was approved, with planning permission and listed building consent granted, and Conservation Area Consent for the demolition of the buildings on 2nd November 2002.

### Details of Proposal:

This application for listed building consent is for the demolition of the listed building at No.9 Fisher Street. The circumstances of the collapse and demolition of the building are set out in the report on application 02/1234, for the replacement building.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This application does not raise issues arising from the Human Rights Act.

---

### Recommendation:

REFUSE

### Reason for including report in Schedule B

This application has been placed on Schedule B because further information is awaited from the applicant regarding the circumstances of the collapse of the listed building and the detailed specification of the replacement building.

---

Supp Schedule  
Page 68 - letter from  
Wardles  
Pages 71-73 related letter

## SCHEDULE B: Reports Requiring Further Information

02/1247

Item No: 41

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1247

**Applicant:**  
Senator Homes Limited

**Parish:**  
Brampton

**Date of Receipt:**  
26/11/2002

**Agent:**

**Ward:**  
Brampton

**Location:**  
L/A Union Lane, Brampton, Cumbria

**Grid Reference:**  
353100 561230

**Proposal:** Erection of 10no houses and associated access road and landscaping

**Amendment:**

John

---

### Report

#### Planning Policies:

##### **Airport Safeguarding Area**

##### **Conservation Area**

The proposal relates to land or premises situated within the Brampton Conservation Area.

##### **Carlisle District Plan Environment - Policy E43**

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

##### **Carlisle District Plan Housing - Proposal H2**

Within the Primary Residential Areas defined on the inset maps for Carlisle, Brampton, Longtown and Dalston, proposals for new residential development will be acceptable provided that:

1. Existing areas of open space and other amenity areas are safeguarded; and
2. The proposed development does not adversely affect the amenity of adjacent residential property; and

3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and
4. Satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** In relation to the original submission, the highway authority commented that most of the driveways were less than 6m. long and requested that the scheme be amended accordingly. A revised plan has now been received.

**Brampton Parish Council:** No observations.

**Design Services - Drainage Engineer:** Awaiting comments.

**Civil Aviation Authority:** No objection.

**English Heritage - (Hist Bldg & Monuments):** English Heritage have objected to this application because the proposals are regarded as regimented and out of character with the Conservation Area.

**Environment Agency (N Area (+ Waste Disp)):** Condition re: surface water recommended.

**Cumbria Constabulary - Crime Prevention:** General advice is given regarding the detailed treatment of the site - landscaping, fencing etc. In terms of specific comments, it is observed that units 5 and 6 do not have natural surveillance from neighbouring dwellings, and the garages for units 6 and 7 are not overlooked and therefore lack surveillance.

**Cumbria County Council - (Archaeological Services) :** An archaeological evaluation was carried out as part of the consideration of application 01/0976. This evaluation failed to find any features of interest. No further action is recommended.

### **Summary of Representations:**

This application has been advertised by means a press and site notice and neighbour notification. No written responses have been received.

### **Details of Proposal/Officer Appraisal:**



### **Planning History:**

In December 1980, permission was granted for the erection of 10 houses and construction of garages and access/services road, under application 80/0577.

In May 1982, a temporary permission was granted for the use of the buildings on the site as a joinery and painter's workshop, and for garden machinery repairs. This permission was renewed in 1985, 1989 and 1992.

In June 2002, under reference 01/0976, permission was given for a renewal of the 1980 permission.

### **Details of Proposal:**

Permission is sought for the erection of ten houses on a site in Union Lane, Brampton. The site, which is a former nursery currently partly occupied by vacant workshop buildings, is located adjacent to Brampton Junior School, with the rear of properties in Main Street and Oval Terrace to the east and south respectively. The site slopes significantly from north east to south west.

The proposal is to erect two terraces of four and six houses respectively. It is very similar to that approved under reference 01/0976, and comprises a mixture of two and three storey houses. Most have integral or attached garages but two units (9 and 10) have separate detached garages on land opposite. The terraces are arranged facing towards the southern and eastern boundaries, with an access road along the northern boundary, and a turning between the two terraces.

The only significant difference between the two schemes is that the two storey dwellings have rooms in the roof space, with dormers on the front elevation and roof lights to the rear. The scale of the buildings is however similar, with an overall height of 10.5m. for the three storey units.

The application raises two principal issues. Firstly, there is the question of the acceptability of the proposal in the light of the recent approval of June last year. In this regard, it will be noted that English Heritage have objected to this current application. Officers advise however that little weight can be attached to this objection, given the recent approval of application 01/0976. English Heritage were also consulted on this application and did not object to it.

As far as specific issues raised by the proposals, the principal consideration is the relationship between the proposal houses and neighbouring development. The terrace of four houses positioned across the site are between 6 and 10 metres from the site boundary. The rear of houses in Oval Terrace are between 31 and 43 metres away. Even though the new houses would be at a significantly higher level, the intervening distance is therefore well in excess of the 21 metres normally regarded as acceptable in such cases. In relation to the eastern boundary, the proposed houses are 7 metres, resulting in a window to window distance to the rear of properties in Moat Street of 24m., with the exception of two properties with extensions, but these are not habitable rooms.

The second issues relates to the issues raised by the highway authority concerning garages and driveway lengths. A revised layout has now been submitted, but the highway authority's view is not yet available.

To summarise, therefore, the scheme is similar to that previously approved and is therefore regarded as broadly acceptable, but a specific recommendation must await the highway authority's response to the revised plan.

---

### Human Rights Act 1998

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This application could raise issues arising from Article 8 of the Human Rights Act. This needs to be considered when a decision is made.

---

### Recommendation:

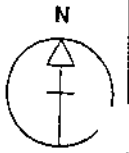
#### Reason for including report in Schedule B

A specific recommendation cannot be made regarding this application because the highway authority's response to the revised plan is awaited.

*A to [ ]  
- confirm date [ ]  
Supp Schedule  
Page 76 layout [ ]*



TITLE NUMBER  
CU162506



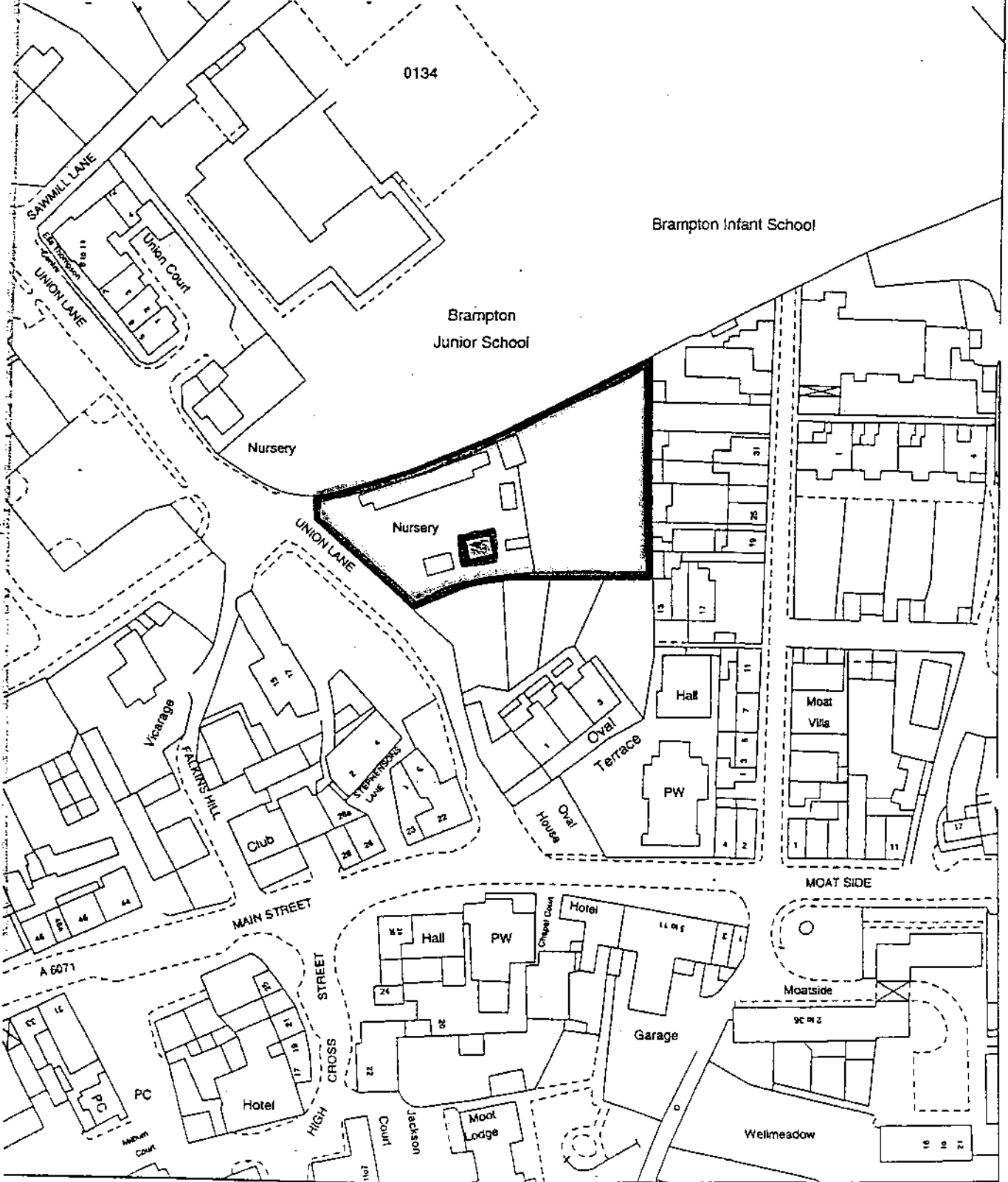
CUMBRIA : CARLISLE

ANCE SURVEY MAP REFERENCE:

NYS3615W

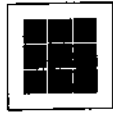
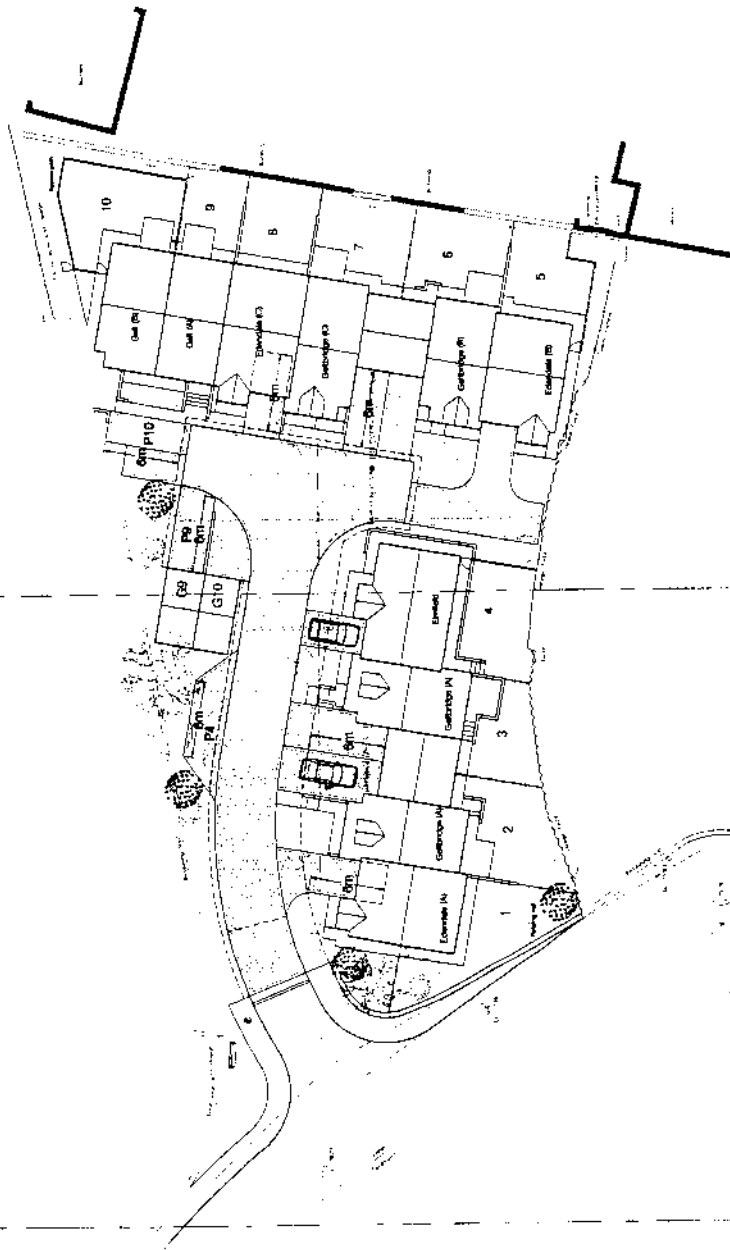
SCALE 1:1250 Enlarged from 1/2500

© COPYRIGHT. Produced by H.M.L. Further reproduction in whole or in part is prohibited without the prior written permission of Ordnance Survey, Licence Number GQ 272728.  
The land tinted green is not included in this title.



20211247

proposed housing development  
 Union Lane Brampton

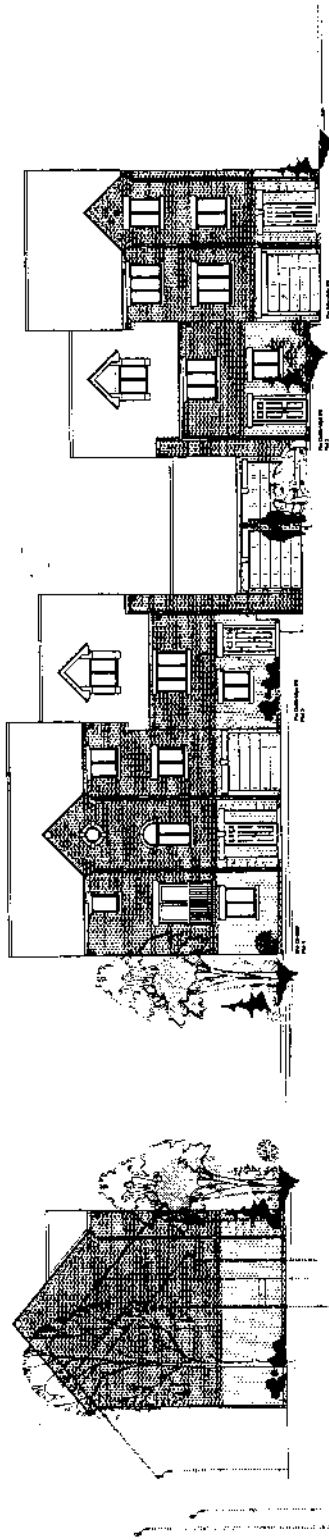


**senator homes**  
 AS PROPOSED  
 SITE PLAN  
 Union Lane  
 Housing Development  
 Brampton  
 Columbia

Drawn by	Scale	Date
Checked by	Scale	1:200
Project No.	SEN BUN D 2	X
Revision	REVISED	

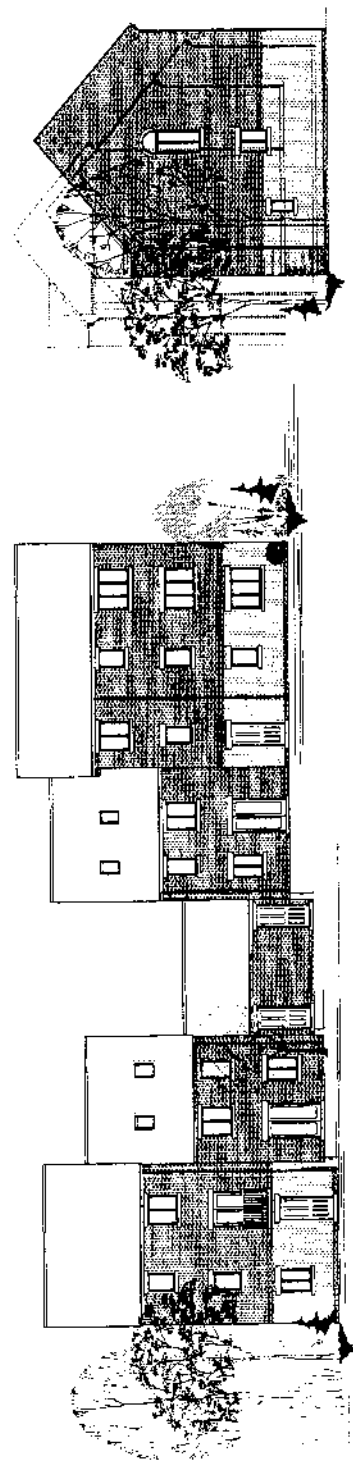
FOR THE ARCHITECT'S RECORD ONLY  
 Prepared by: **senator homes**  
 1000 Lakeshore Blvd. East, Suite 1000  
 Brampton, Ontario L6Y 4R8  
 Tel: (905) 874-2222

# Proposed housing development Union Lane Brampton



Side Elevation

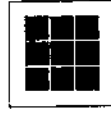
Front Elevation



Rear Elevation

Side Elevation

PRELIMINARY  
PLANNING DRAWING



senator homes

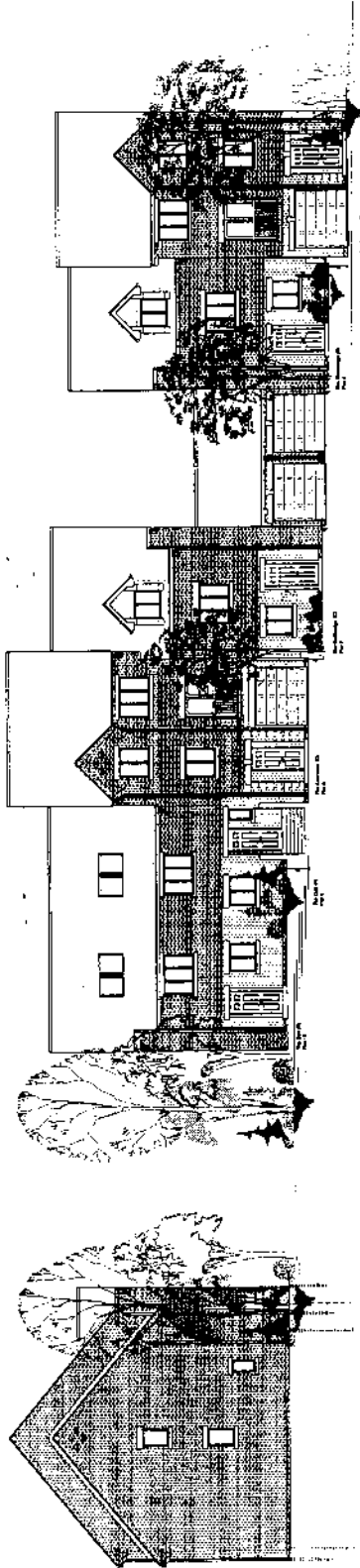
AS PROPOSED  
Block A (Units 1 to 4) Elevations  
Union Lane Brampton  
Housing Development

Drawn by: [Signature] Date: 06/10/2022  
Checked by: [Signature] Scale: 1:100  
No. of sheets: 4  
Sheet No.: SEN BUN D 4 X

620624  
2022/12/27  
Senators Homes Ltd.  
1000 Lakeshore Drive, Unit 100  
Brampton, Ontario, Canada N6L 1B9  
Tel: 905.874.8888 Fax: 905.874.8889

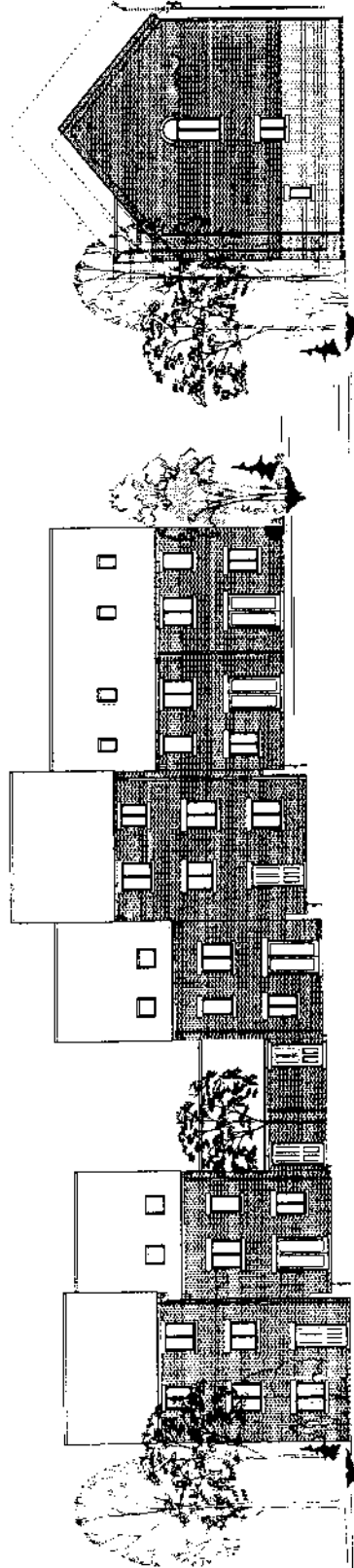


# proposed housing development Union Lane Brampton



Side Elevation

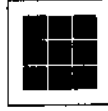
Front Elevation



Rear Elevation

Side Elevation

PRELIMINARY  
PLANNING DRAWING



senator homes

AS PROPOSED  
Block B (Units 5 to 10) Elevations

Union Lane Brampton  
Housing Development

Drawn by: J.H. Date: 04/09/09  
Checked by: J.K. Scale: 1:100  
Project No: SEN BUND 6 X

1:200 E.P. 2/09

2009/12/10

Copyright ©  
New Homes Centre (UK) Ltd.  
All Rights Reserved



ENGLISH HERITAGE

NORTH WEST REGION

PLANNING REF: 02/1247
07 JAN 2003
RECEIVED MY.
SEARCHED
PASSED TO: COH
ACTION

Mr J Hamer  
Department of Environment and Development  
Planning Services  
The Civic Centre  
Carlisle  
CA3 8QG

Direct Dial: 0161 242 1430

Your Ref: CJH/DC/02/1247

Our Ref: CU/49527

06 January 2003

Dear Mr Hamer

**LAND AT UNION LANE, BRAMPTON**

Thankyou for notifying English Heritage of the application at the above site. On the basis of the submitted drawings, I wish to make the following comments.

The site is currently occupied by former agricultural buildings, and is of a small, intimate nature that fits in well with its village edge context. The scheme imposes a strict, regimented standard, which is at odds with the site, and this is reflected in the design of the housing which is out of character with the area. The approach needs to be sympathetic to the distinctiveness of the area, rather than a generic and formulaic stock solution that will do nothing to enhance the conservation area. For this reason, English Heritage can only object to the application, and recommends that it is refused.

If you require further advice or clarification, please do not hesitate to contact me.

Yours sincerely,

Rob Burns  
Historic Areas Advisor

Please note that English Heritage operates an access to information policy. Correspondence or information which you send to us may, therefore, become publicly available.

## SCHEDULE B: Reports Requiring Further Information

02/1262

---

**Item No: 42**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1262

**Applicant:**  
Mr J Holliday Esq

**Parish:**  
Burtholme

**Date of Receipt:**  
29/11/2002

**Agent:**  
C & D Property Services

**Ward:**  
Irthing

**Location:**  
L/A Part Field No 3333 - Burthorpe, Walton,  
Brampton

**Grid Reference:**  
355000 566137

**Proposal:** Temporary siting of a static caravan together with the installation of a septic tank and soakaway to provide accommodation for an agricultural worker

**Amendment:**

*Richard*

---

### Report

#### Planning Policies:

##### **Cumbria & Lake District Joint Structure Plan Policy 13**

In the areas not covered by Policies 11 and 12, development will normally be permitted which in its use, siting, scale and design is well related to existing developed areas of the countryside and does not harm distinctive features of local landscape significance. In the undeveloped open countryside development will not normally be permitted except when it is required to meet local infrastructure needs which cannot be located elsewhere, and provided it is sited to minimise environmental impacts and meets high standards of design.

##### **Carlisle District Plan Housing - Proposal H6**

Within the remainder of the Plan area, outside areas covered by Proposal H1 and Policies H2-H5, permission will not be given for dwellings, except where applications are supported by a proven agricultural or forestry need.

##### **Carlisle District Plan Environment - Policy E8**

Within the remainder of the rural area not covered by Policies E2-E6, proposals which are well related in use, siting, scale and design to existing settlements or other small clusters of buildings including farm buildings will be acceptable providing



## **SCHEDULE B: Reports Requiring Further Information**

02/1262

that:

1. The proposal reflects the scale and character of the existing group of buildings or settlement; and
2. There is no adverse effect upon the amenity of neighbouring property, and the character and appearance of the area; and
3. Satisfactory access and appropriate car parking can be achieved; and
4. Any exiting wildlife habitats are safeguarded.

Permission will not be granted for development in the undeveloped open countryside unless it is required to meet local infrastructure needs, or for dwellings supported by a proven agricultural or forestry need.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** No objection.

**Burtholme Parish Council:** No comment.

**County Land Agent (Capita dbs):** The Report concludes that:

1. There appears to be clear evidence of firm intention and ability to develop the enterprise concerned, in that the applicant has acquired land with an established range of buildings and has already built up significant livestock numbers;
2. There is a functional need for a worker to be resident on site, particularly to deal with calving cows and lambing ewes;
3. There is clear evidence to show that the applicant has stocked this holding with appropriate livestock, but at the present time it is financially unviable;
4. There are no dwellings available to the applicant other than the temporary caravan presently situated on the holding.

**Environment Agency (N Area (+ Waste Disp)):** No objection subject to the inclusion of a condition and a Supplementary Informative.

### **Summary of Representations:**

This application has been advertised by means of a site notice. At the time of writing this report, no representations have been received.

### **Details of Proposal/Officer Appraisal:**

**Planning History:**

## SCHEDULE B: Reports Requiring Further Information

02/1262

There is no planning history relating to this application site.

### Details of Proposal:

This current application seeks full planning permission for the temporary siting of a static caravan on Field No. 3333, Burthinghurst, Walton, Brampton. The site is located adjacent in open countryside outwith any recognised settlement, and is adjacent to the Kingswater Equestrian Centre at Burthinghurst.

Although the land is not specifically designated within the Local Plan, it remains an area of undeveloped open countryside. Policy E8 requires that development proposals should be well related to existing buildings and be sufficiently justified in terms of a proven need, to outweigh any environmental concerns with regard to development in the open countryside.

The site is situated in the countryside some distance from any settlement and thus falls to be considered under the provisions of Policy H6. It makes clear that proposals for new dwellings in these locations will only be acceptable where there is a proven agricultural or forestry need.

A letter of support has been submitted by the applicant's agent, as part of the application, a copy of which is reproduced following this Report. However, as is normal practice with proposals of this nature, the County Land Agent has also been asked for his observations on this application.

A detailed appraisal of the holding, its extent, nature, stock, fixed equipment, labour requirements and current accommodation, etc. has subsequently been undertaken and it is printed in full after this Report.

As far as the agricultural need issue is concerned, the County Land Agent concludes that the business is financially unviable at present but that there is a functional need for an agricultural worker to be resident on the farm. The inference is that a temporary consent would be appropriate to allow the business to become more established and viable.

Further advice in the consideration of this application has been obtained from Annex I to PPG7 (The Countryside: Environmental Quality and Economic and Social Development). Paragraph 17 states:

"In cases where the local planning authority is particularly concerned about possible abuse, it may be helpful to investigate the history of the holding to establish the recent pattern of use of land and buildings and whether, for example, any dwellings or buildings suitable for conversion to dwellings have recently been sold separately from the farmland concerned. Such a sale could constitute evidence of lack of agricultural need."

Planning permission was granted for the conversion of outbuildings to 3no. dwellings at Kingswater Equestrian Centre on 14 November 2002, under application reference 02/0342. Although two of these dwellings were conditioned to be holiday

## SCHEDULE B: Reports Requiring Further Information

02/1262

accommodation only, the remaining unit was not restricted and is available on the open market. The applicant's agent has been contacted and asked to investigate the possibility of the applicant occupying the redundant barn, once conversion has taken place.

In conclusion, whilst the functional need of an agricultural worker to be resident on the site is not being dicounted. Although the business is not currently financially viable a temporary consent may appropriate under the advice provided in PPG7, Policy H6 and by the County Land Agent. However, before this proposal can be fully considered, the use of alternative accommodation in the locality needs to be evaluated, in accordance with PPG7.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

---

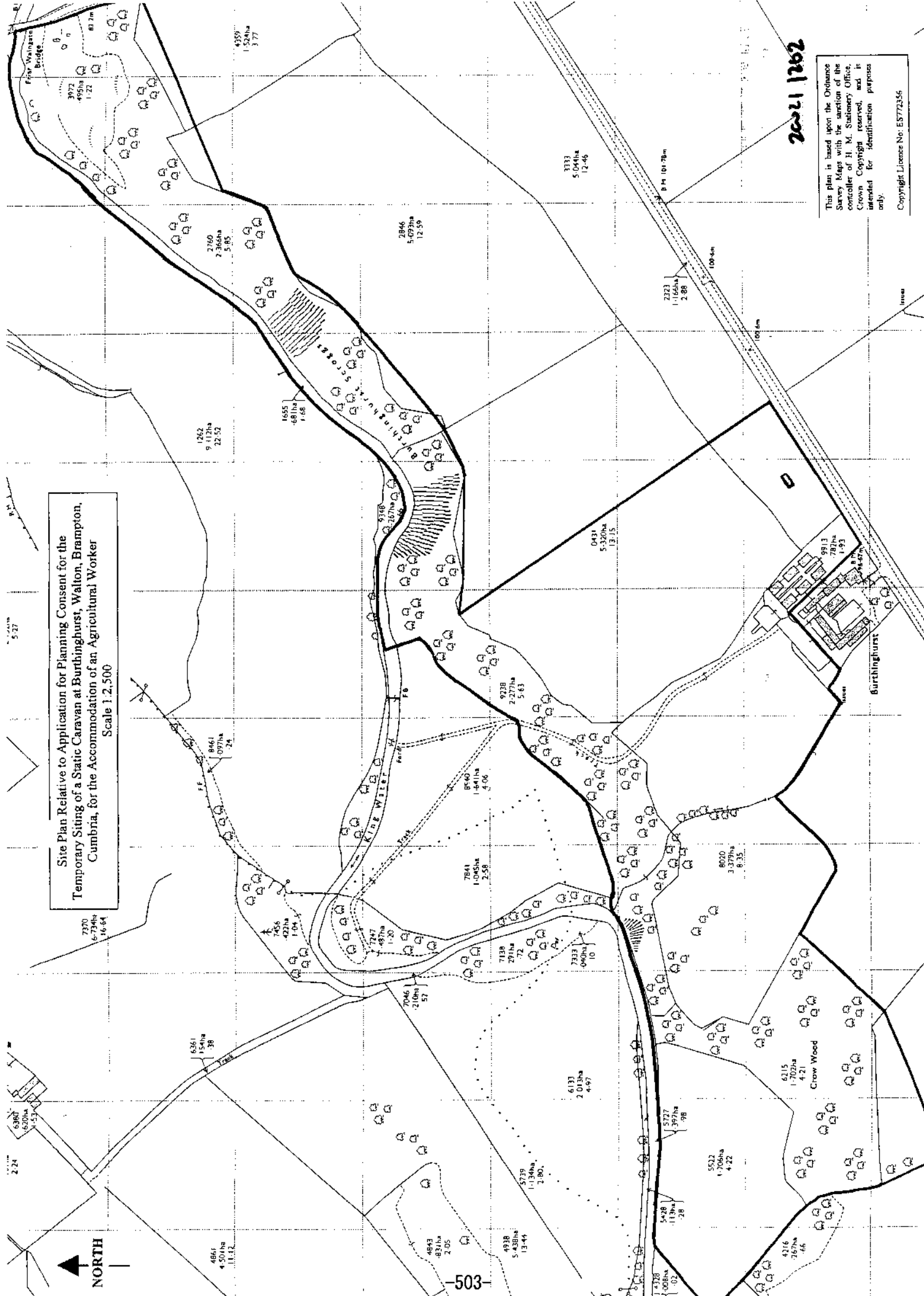
### Recommendation:

#### Reason for including report in Schedule B

A recommendation is unable to be made at this time as further information is awaited from the applicant.

---

Land Agent: → Not viable business

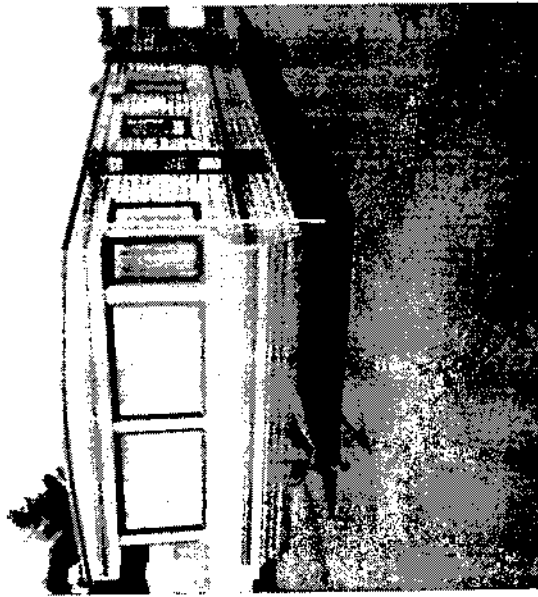


Site Plan Relative to Application for Planning Consent for the  
 Temporary Siting of a Static Caravan at Burthingurst, Walton, Brampton,  
 Cumbria, for the Accommodation of an Agricultural Worker  
 Scale 1:2,500

2021 1262

This plan is based upon the Ordnance  
 Survey Maps with the sanction of the  
 controller of H. M. Stationery Office,  
 Crown Copyright reserved, and is  
 intended for identification purposes  
 only.  
 Copyright License No: ES772556

Copy Photographs Showing Caravan to be used for the  
Accommodation of an Agricultural Worker  
at Burthingurst, Walton, Brampton, Cumbria



200711262

# C & D Property Services

Land and Estate Agents, Valuers and Surveyors

(part of Cumberland & Dumfriesshire Farmers Mart plc  
and incorporating Thomson, Roddick & Laurie, agency and valuations)

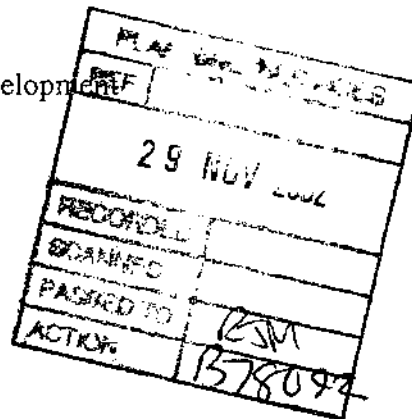
17/19 High Street  
Longtown  
Carlisle  
Cumbria CA6 5UA

Tel: (01228) 792299  
Fax: (01228) 792284  
Website: www.cdproperty.co.uk  
E-mail: office@cdproperty.co.uk

Planning Services Division  
Department of Environment & Development  
Carlisle City Council  
Civic Centre  
CARLISLE  
CA3 8QG

F.A.O. Richard Maunsell Esq

Dear Sirs



Your Ref:

Our Ref:

28<sup>th</sup> November 2002

**Our Client: John Holliday Esq**

**Application for Planning Consent for the Temporary Siting of a  
Static Caravan for the Accommodation of an Agricultural Worker  
Field No. NY5566 3333 at Burthinghurst Farm, Walton, Brampton, Cumbria**

We refer to the writer's recent telephone conversation with your Mr Maunsell, and enclose herewith an Application for full planning consent for the temporary siting of a static caravan as described above, all on behalf of and as instructed by our above named client. Your Mr Maunsell has confirmed that the maximum period to which a temporary consent could extend is three years, and consent is specifically sought for this time period. Please find enclosed the undernoted documents relative to the Application.

You will note that the Application Site forms part of Burthinghurst Farm, which is owned and run by our client, and that the proposed caravan is to be used for the accommodation of an agricultural worker on the farm. Burthinghurst extends to 42 acres or thereby, and includes about 28 acres of mowing land. In addition, our client owns a further 3.5 acres near West Hall, and rents a further 90 acres on a year to year basis near Lanercost. All of this land is run as a single agricultural unit. There is no dwelling house situated on the unit. The enterprises on the farm may be summarised as follows. Our client currently keeps around 62 head of cattle, including around 40 breeding animals. The young stock are sold fat. There is a flock of around 160 ewes, with lambing from the beginning of March to the middle of May. In addition, our client currently keeps around 60 feeding lambs, which are sold fat in the spring. There is no arable land on the unit.

For its effective management, a farm business of this extent requires the presence of a responsible member of staff on a round-the-clock basis. However the absence of any residential accommodation at Burthinghurst means that this possibility does not exist. In these circumstances, it is suggested that there is a definite agricultural need for accommodation on the farm.

We trust that the information above and attached will enable you to consider our client's Application. In accordance with advice received from Mr Maunsell, we enclose site plan and photographs of what our client proposes. Should you require clarification on any point arising out of this Application then please do not hesitate to contact the writer.

We shall look forward to hearing from you in due course and thank you in anticipation.

Yours faithfully

C M Beattie  
For C & D Property Services

Encs

1. Cheque in the sum of £220 made payable to Carlisle City Council representing payment of the Planning Fee.
2. Application Form – 6 copies.
3. Certificate A – 6 copies.
4. Site Plan showing location and extent of proposed development -- 6 copies.
5. Copy photographs -- 6 copies.

**FIELD NO 3333  
BURTHINGHURST  
WALTON, BRAMPTON**

**Report on the agricultural need for a temporary  
agricultural workers dwelling**

CAPITA  
Clint Mill  
Cornmarket  
PENRITH  
CA11 7HP

Tel 01768 242340

December 2002





**REPORT ON THE AGRICULTURAL NEED FOR A TEMPORARY  
AGRICULTURAL WORKERS DWELLING AT BURTHINGURST, WALTON,  
BRAMPTON**

**1.0 Introduction**

- 1.1 This report has been prepared at the request of Carlisle City Council who asked on the 3 December 2002 if I would report on the agricultural need for a proposed temporary agricultural workers dwelling at Burthingurst, Walton, Brampton.
- 1.2 I met the applicant, Mr J G Holliday on 16 December 2002 and inspected the steading at Burthingurst, Walton. Mr Holliday provided the following information.

**2.0 Land Occupied**

- 2.1 The total land holding at Burthingurst extends to 53.5 ha (133.5 acres) and is made up of the following blocks of land:-
- 2.1.1 11 ha (28 acres) of agricultural land adjacent to the application site.
- 2.1.2 5 ha (12 acres) of woodland adjacent to the application site.

Both of these areas of land are owner occupied by the applicant and fall within the Less Favoured Area.

- 2.1.3 1.5 ha (3.5 acres) situated at West Hall, which is approximately 2 miles from the application site. This land is owner occupied by the applicant.

**Burthingurst, Walton, Brampton**

---

2.1.4 20 ha (50 acres) of land at Hayton Gate. This land is approximately 1 mile from the application site.

2.1.5 16 ha (40 acres) of land at Banks Foot, again about 1 mile from the application site.

The latter two blocks of land are held on a seasonal grazing basis and have been occupied since 1999 with a reasonable prospect of the applicant occupying this land in the future.

**3.0 Livestock**

3.1 The following livestock are currently kept on the holding:-

3.1.1 15 suckler cows and calves. The applicant has no quota allocation in respect of these cows to enable him to claim support payments but he has made an application for quota to be allocated to him from the national reserve.

3.1.2 21 bulling heifers which the applicant advised would enter his suckler cow herd when they calve.

3.1.3 5 heifers under a year old.

3.1.4 7 bulls being fattened under one year old.

3.1.5 160 Greyfaced/Texel breeding ewes lambing in March/April. There is quota allocation for 150 units.

3.1.6 40 feeding lambs, ie lambs to be sold fat off the holding.

3.1.7 Approximately 20 cattle being wintered for a local farmer.

3.2 The applicant advised that he intended to retain his sheep numbers at the current level of 160 breeding ewes but wanted to increase his suckler cow numbers to total 40 suckler cows.

#### **4.0 Cropping**

4.1 12 ha (30 acres) of grass is made into silage and stored as big bales. The remainder of the holding is in grass for grazing the livestock.

#### **5.0 Farm Buildings**

5.1 At the application site is a six-bay portal steel frame cattle building measuring approximately 27m x 23m. This building accommodates cubicles for 80 cows with a central feeding passage. It has water and electricity laid in and a concrete floor. The building has plastic covered sheeting to the roof and gables with Yorkshire boarding above block walls on the elevations. In addition there are cow kennels (timber frame, zinc clad) for 60 cows together with an open silage pit made from sleeper walls and an above ground slurry lagoon.

5.2 Although the main portal steel frame building is in reasonable condition, the cow kennels are nearing the end of their useful life.

#### **6.0 Domestic Buildings**

6.1 There is no permanent dwelling house available on the holding, the main farmhouse at Burthinghurst being retained by the owners, together with the range

of traditional buildings when they sold off the land, now occupied by Mr Holliday, approximately 6 months ago.

6.2 There is a residential caravan on the concrete area adjacent to the main portal steel frame building.

**7.0 Labour & Residence**

7.1 Mr Holliday works on the holding in conjunction with his auto-electrical business. This business is approximately 70% farm based, repairing electric motors on farm equipment and machinery. He works on the agricultural holding in the early mornings, evenings, at weekends and during holidays.

7.2 In addition, his partner, who has a full time job off the holding, also assists at busy times. He uses contractors for making silage.

7.3 Mr Holliday and his partner live in the temporary caravan on the holding.

**8.0 Other Information**

8.1 The applicant advised that he always wished to farm in his own right, and therefore purchased this property at Burthinghurst to realize that aim. He intends to increase livestock numbers and build up the business so that eventually he could apply for a permanent dwelling on this site. He advised that approximately 12 ha (30 acres) of land would shortly become available opposite and he would seek to buy that land.

**9.0 PPG 7 And The Need For Agricultural Workers Dwellings**

9.1 The need for agricultural workers dwellings is covered in Planning Policy Guidance Note PPG7 "The Countryside - Environmental Quality and Economic and Social Development" (revised in February 1997) and in particular annex I of that publication, which gives guidance on the criteria to be met for agricultural workers dwellings. In relation to a temporary agricultural workers dwelling these criteria are set out in paragraph I14 of Annex I to PPG7. These criteria are:-

9.2.1 *Clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions)*

The applicant has purchased a block of land together with a range of existing buildings and facilities. One of these buildings, ie the portal steel frame building is a substantial structure and in reasonable repair and condition. It is of adequate capacity (wants cleaned out of all its miscellany and contents, I understand in the ownership of the original owner) to house the current and proposed stock numbers in relation to the cattle enterprise. There may also be space available within the building to house some of the sheep at lambing time.

Some of the other facilities, particularly the cow kennels, are in a very poor state of repair and the applicant advised he was to demolish some of these and erect a sheep housing shed.

In relation to livestock, the applicant has already stocked with a significant number of both cattle and sheep on the holding.

9.2.2 *Functional need.*

A clearly established existing functional need will arise from the care of the livestock kept on this holding. A functional need will be particularly relevant when the cows are calving and the ewes are lambing. There will also be a requirement for workers to be available for other animal husbandry tasks.

9.2.3 *Clear evidence that the proposed enterprise has been planned on a sound financial basis.*

The applicant has stocked this holding with suckler cows and breeding ewes. The species and numbers of these livestock are commensurate with accepted farming practice in this area.

Financial viability can be defined as offering a competent person the prospect of a sufficient livelihood. In practice this can mean a Net Farm Income after all expenses such as feed, fertilizer and property maintenance at least equivalent to an agricultural workers minimum wage, which is currently in the region of £9,900 per annum. I have calculated the Net Farm Income from the livestock enterprises currently operated on this holding and am able to advise that at this point in time the business just falls short of financial viability.

I would anticipate that as this business expands as proposed, then financial viability should be obtained, but this will depend upon financial returns in the future on the enterprises chosen.

I should also bring to your attention that considerable reliance is put on occupying land on short term tenancies to carry the livestock numbers. However, such licences are readily available at the present time.

9.2.4 *The functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned*

Today it is only really necessary for specialist workers to live on, or immediately adjacent to agricultural holdings. This is to be available at most times to attend to emergencies and the overall need to protect property. In the present case I am of the opinion that in the interests and the wellbeing of the livestock, particularly during calving and lambing, and for the efficient running of the holding and overall security, it is essential for one worker actively involved in the management of this holding to be present on, or immediately adjacent to it.

There is no dwelling available to the applicant to satisfy this functional need other than the existing temporary dwelling on the concrete area adjacent to the portal steel framed building.

9.2.5 *other normal planning requirements, eg on siting and access are satisfied*

These are beyond my instructions.

10.0 **Conclusion**

10.1 I therefore conclude by advising as follows:-

10.1.1 There appears to be clear evidence of a firm intention and ability to develop the enterprise concerned, in that the applicant has acquired land with an established range of buildings and has already built up significant livestock numbers.

10.1.2 There is a functional need for a worker to be resident on site, particularly to deal with calving cows and lambing ewes.

**Burthingurst, Walton, Brampton**

---

10.1.3 There is clear evidence to show that the applicant has stocked this holding with appropriate livestock, but at the present time it is financially unviable.

10.1.4 There are no dwellings available to the applicant other than the temporary caravan presently situated on the holding.



A G Jackson BSc FRICS FAAV  
CAPITA*db*s  
Clint Mill  
Commarket  
PENRITH  
CA11 7HP

20 December 2002



**COMPLIANCE WITH RICS PRACTICE STATEMENT  
SURVEYORS ACTING AS EXPERT WITNESSES**

I hereby declare that my Report complies with the requirements of the RICS Practice Statement "Surveyors Acting as Expert Witnesses" 2<sup>nd</sup> Edition Published in 2000 and in particular

- (i) that the report includes all facts which the surveyor regards as being relevant to the opinion which he or she has expressed and that the judicial body's attention has been drawn to any matter which would affect the validity of that opinion: and
- (ii) that the report complies with the requirements of The Royal Institution of Chartered Surveyors, as set down in *Surveyors acting as Expert Witnesses: Practice Statement: and*
- (iii) that the expert understands his or her duty to the judicial body and has complied with that duty.
- (iv) 'I believe that the facts I have stated in this report are true and that the opinions I have expressed are correct'

## SCHEDULE B: Reports Requiring Further Information

02/1299

---

Item No: 43

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1299

**Applicant:**  
Mr A Banks

**Parish:**  
Wetheral

**Date of Receipt:**  
09/12/2002

**Agent:**  
Jock Gordon

**Ward:**  
Wetheral

**Location:**  
School House, Wetheral, Carlisle

**Grid Reference:**  
346450 554181

**Proposal:** Change of use to hairdressing salon

**Amendment:**

*Richard*

---

### Report

#### Planning Policies:

#### **Carlisle District Plan Employment - Proposal EM11**

Within the rural area proposals for the reuse and adaptation of buildings (of permanent construction) for commercial, industrial or recreational uses will be acceptable subject to the following criteria:

1. The form, bulk and general design of the buildings are in keeping with the surroundings;
2. Adequate access and appropriate parking arrangements are made;
3. Any increased traffic generated by the proposal can be accommodated by existing highway network;
4. There is no unacceptable adverse effect on the amenity of adjacent property or the surrounding landscape.

#### **Carlisle District Plan Housing - Proposal H17**

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or

## SCHEDULE B: Reports Requiring Further Information

02/1299

3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

### **Carlisle District Plan Transport - Proposal T7**

The level of car parking provision for development will be determined on the basis of the following factors:

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** Subject to adequate parking being provided within the curtilage of the site to cater for the owners, staff and visitors I would raise no objections to the proposal.

**Wetheral Parish Council:** The property is in an area without the benefit of a pavement for pedestrians and adjacent to the Youth and community Centre where there is a weekday, term time nursery which results in cars parking to drop off and pick up children. The PC has no objections to the change of use provided that adequate parking arrangements have been made.

**Planning Services - Access Officer:** There appears to be enough space, so please check that the entrance is wheelchair accessible.

### **Summary of Representations:**

This application has been advertised by means of a site notice and direct notification to the occupiers of six of the neighbouring properties. At the time of writing this report, two letters of objection have been received and the main issues raised are summarised as follows:

1. The lack of on site parking provision will lead to vehicles parking on the public highway;

## **SCHEDULE B: Reports Requiring Further Information**

02/1299

2. If vehicles also park on the opposite side of the road, in conjunction with vehicles parked outside School House, the road is of insufficient width to allow larger vehicles to pass safely;
3. There is no public footpath at this point, and if vehicles park on the highway, pedestrians have to walk onto the highway to walk around vehicles;
4. Vehicles exceed the 30 mph speed limit in this part of the village.

The second letter does not object to the principle of the use of the building but raises concerns as expressed above, and also that any advertisement would detract from the character of the village.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

There is no planning history relating to this site.

#### **Details of Proposal:**

This application seeks full planning permission for the change of use of the property known as School House, Wetheral from a residential dwelling to a hairdressing salon. The building is a two storey detached property located on the southern fringe of the village, adjacent to the Wetheral to Cumwhinton Road.

No external changes are proposed as part of this application. It is proposed that the ground floor of the property would become the salon area whilst the first floor would remain as storage. The proposed opening hours would be Monday to Friday between 0900 hours and 1700 hours.

Policy EM11 of the Local Plan recognises that there are often opportunities for reusing or adapting existing rural buildings for small business premises. The Policy criteria focuses on the requirement to provide adequate access and appropriate car parking whilst ensuring that the surrounding highway network can accommodate any increase.

The Highway Authority have not raised any objections to the proposed change of use of the building. From discussions with the applicant's agent, it has been established that permission has been granted from the occupants of the Wheatsheaf Public House to the applicant, that customers of the hairdressing salon may park on the public house car park during the day. The Highway Authority have verbally been informed of this arrangement and again, raise no objections.

Further advice with regard to this proposal can be found in PPG4 (Industrial and Commercial Development and Small Firms). Paragraph 15 states:

"In areas which are primarily residential, development plan policies should not seek to unreasonable to restrict commercial and industrial activities of an appropriate scale - particularly in existing buildings - which would not adversely

## SCHEDULE B: Reports Requiring Further Information

02/1299

affect residential amenity. Planning permission should normally be granted unless there are specific and significant objections, such as relevant development plan policy, unacceptable noise, smell, safety and health impacts or excessive traffic generation. The fact that an activity differs from the predominant land use in any locality is not a sufficient reason, in itself, for refusing planning permission."

Whilst the frequency of visitors to the site may increase, this alone is not considered to be detrimental to the amenity of the area. The use itself would not result in any adverse or obtrusive consequences in terms of noise or outdoor pollution. The proposal is not considered to conflict with the current planning policies of the development plan.

The resident's statement regarding drivers of vehicles speeding through this part of the village, is not a relevant planning consideration and is, in fact, a matter for Cumbria Constabulary to enforce.

It is possible that advertisements may not require formal advertisement consent but instead, may be permitted development. Conditions cannot be imposed on planning permissions to regulate advertising which would otherwise fall within the purview of the Regulations.

In conclusion, the proposed use of the property is of a type and level that would not be detrimental to the amenity of the occupiers of the neighbouring properties. The character of the area would not be adversely affected and any increase in parking can be accommodated within the locality.

Further comments are awaited from the highway Authority regarding the proposed parking arrangements.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not

## SCHEDULE B: Reports Requiring Further Information

02/1299

impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

---

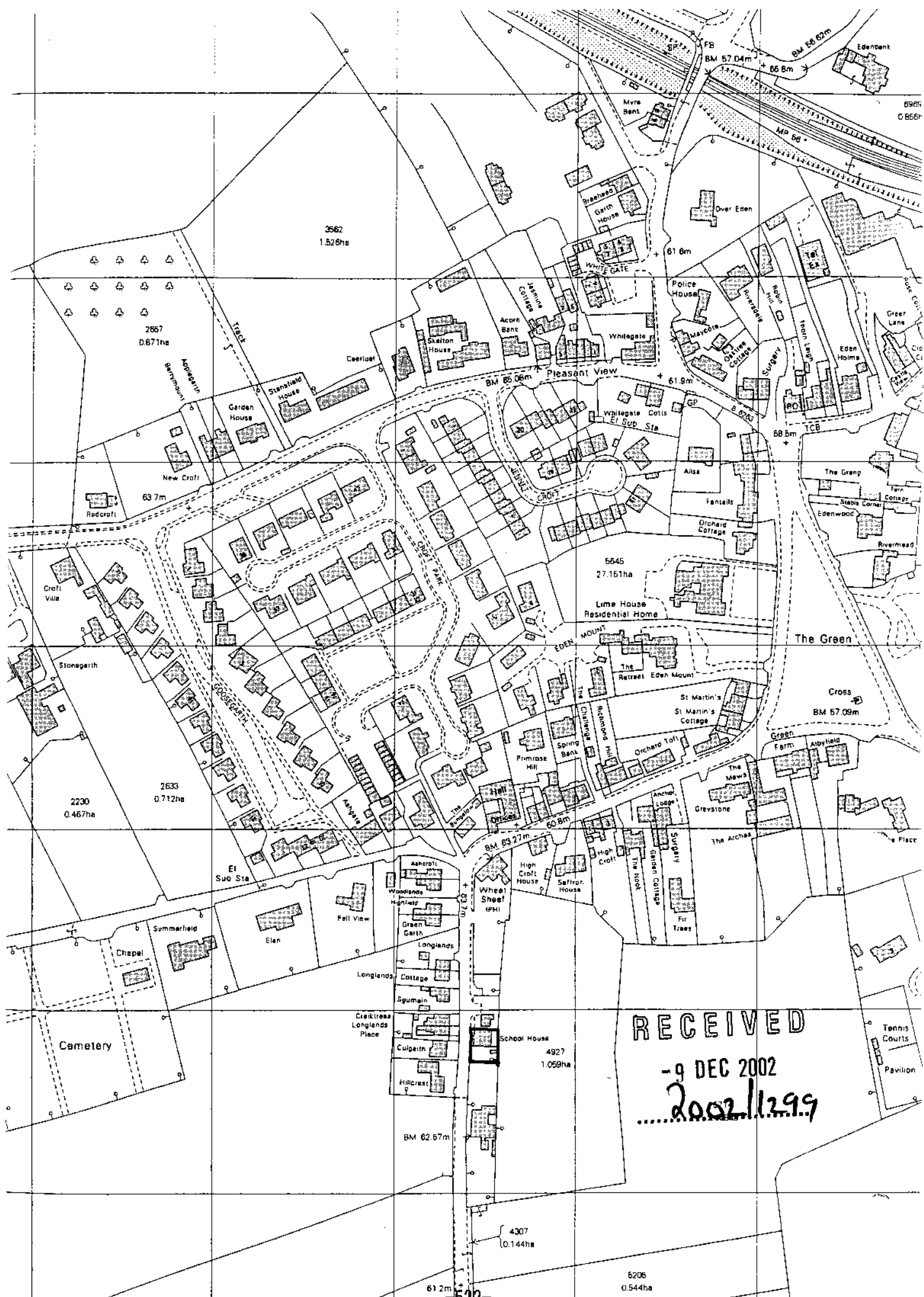
**Recommendation:**

F.P.

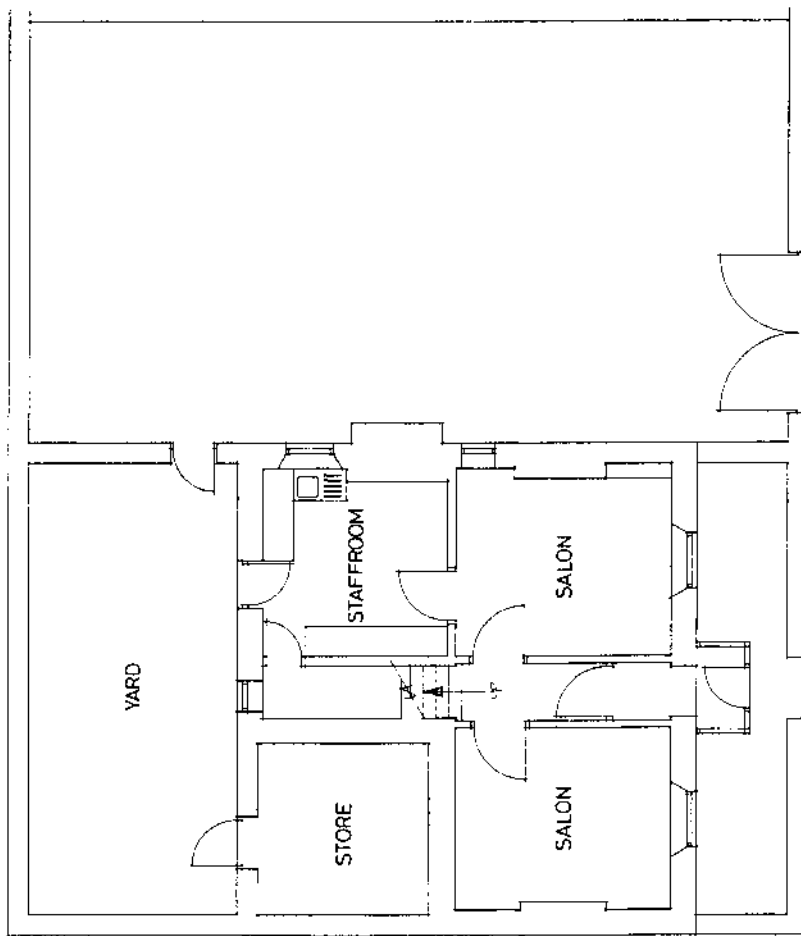
**Reason for including report in Schedule B**

A recommendation is unable to be made as further comments are awaited from the Highway Authority.

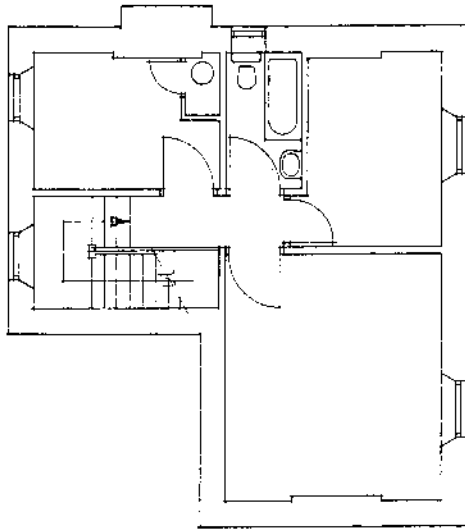
---



RECEIVED  
 - 9 DEC 2002  
 2002/1299



GROUND FLOOR



FIRST FLOOR

RECEIVED

1 DEC 2002

11.11.02

PROPOSED HAIRDRESSING SALON SCHOOL HOUSE - WETHERAL	
Draw. No. 1086 SCALE: 1:50 DATE: DEC 2002	JACOB STRONG ARCHITECTURAL CONSULTANTS 47 SCOTLAND ROAD CARLISLE CA9 8HG Tel: 01228 843288



## SCHEDULE B: Reports Requiring Further Information

02/1310

---

**Item No: 44**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1310

**Applicant:**  
Mr D Irving

**Parish:**  
Wetheral

**Date of Receipt:**  
12/12/2002

**Agent:**  
Neil Robinson

**Ward:**  
Wetheral

**Location:**  
5 Near Park, Scotby, Carlisle

**Grid Reference:**  
343870 555600

**Proposal:** 1st floor extension over garage and utility to provide en-suite bathroom, dressing room and additional bedroom

**Amendment:**

*Pick.*

---

### Report

#### Planning Policies:

##### **Carlisle District Plan Housing - Proposal H14**

Applications for extensions to existing dwellings will be approved provided the City Council is satisfied that the proposals are appropriate to the dwelling, its design and setting. Inappropriate extensions which adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight and sunlight will not be permitted.

##### **Carlisle District Plan Housing - Proposal H17**

The amenity of residential areas will be protected from inappropriate development where that development:

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

## **SCHEDULE B: Reports Requiring Further Information**

02/1310

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** No objection.

**Wetheral Parish Council:** No comment.

**English Nature:** No objection subject to the inclusion of a Supplementary Informative regarding bats.

### **Summary of Representations:**

This application has been advertised by means of a site notice and direct notification to the occupiers of two of the neighbouring properties. At the time of writing this report, two letters of objection have been received and the main issues raised are summarised as follows:

1. the proposed extension will reduce the amount of light entering the kitchen/ bedroom window;
2. the extension will be an eyesore ;
3. the extension will overshadow the south elevation of the adjacent property, number 4 Near Park;
4. the window along the north elevation would result in a lack of privacy;
5. a two storey flat roof extension would be out of character with the remainder of the property; and
6. a covenant applies to number 4 Near Park which stipulates that the property owner may not acquire other than by express grant any right or easement of way water light or air over other property, and this will probably apply to number 5.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

There is no planning history relating to this site.

#### **Details of Proposal:**

This application seeks full planning permission for the erection of a two storey extension to number 5 Near Park, Scotby, Carlisle. The property is a two storey detached dwelling house constructed from facing brick under a tiled roof. The property is located at the end of a cul-de-sac and is situated within a substantial garden area.

The application seeks planning permission for a first floor extension to provide 1 no. bedroom, a dressing room and an en suite bathroom. The roof would be pitched with a flat roof over the en-suite element to the rear. The application also seeks permission to extend the lounge on the ground floor at the front of the property. This would effectively be infill development in this corner of the house. All the materials

## SCHEDULE B: Reports Requiring Further Information

02/1310

proposed as part of this development would match the existing property.

Officers expressed concerns to the applicant with regard to the profile of the roof along the boundary with the adjacent property, number 4 Near Park. It has been suggested that the roof should be hipped and it is also considered that the single storey element to the rear should have a pitched roof rather than a further flat roof first floor extension. The applicant's agent has been contacted with the regard to these matters and amended drawings have been requested.

In consideration of this application Policies H14 and H17 are relevant. Policy H14 of the Local Plan requires that extensions are of good design and are of an acceptable scale. Should the appropriately amended drawings be received, the scale and design of the proposed extensions would be considered to be appropriate to this detached dwelling which is situated within a reasonable garden area.

The letters of objection make reference to the appearance of the proposed extension. The suggested amendments would improved the aesthetics of the development but the opinion that the extension would be an 'eyesore' is subjective.

This Policy also seeks to protect the amenity of adjacent properties from proposals which adversely affect them, through inappropriate scale, design or unreasonable overlooking. The proposals which are being presented for consideration are modest in scale and design and would not be disproportionate or obtrusive. The amendments which have been sought from the applicant should reduce the scale of the development along the boundary and improve the aesthetic appearance of the extension.

In consideration of this proposal, Policy H14 requires that regard is made to unreasonable loss of daylight and sunlight. The letters of objection make reference to the fact that a loss of daylight and overshadowing would occur to the adjacent property, which is north of the application site. The existing dwelling has a ridge height of 7.4 metres at a distance of 9.7 metres from the boundary. The proposed first floor extension would be closer to the boundary and the current roof design may result in a increased loss of overall daylight. However, if the roof of the extension is hipped away from the boundary, it is considered that the possibility of overshadowing would be reduced to an extent that the proposal would be considered acceptable.

The proposed window on the north elevation may cause a degree of overlooking. This window would not serve a primary room but would instead allow light into the dressing room. Should planning permission be forthcoming it would be appropriate to attach a condition to ensure that the window is suitably obscurely glazed.

Reference is made in the letters of objection to the covenant attached to number 4 Near Park. The details within this document, and in particular the 'right to light' is a civil matter and not one for the planning authority to determine. Policy H14, nonetheless, does have regard to loss of daylight/ sunlight and this matter has been discussed earlier in this report.

In conclusion, the proposed extension is of a scale that is significant but appropriate

## SCHEDULE B: Reports Requiring Further Information

02/1310

to the dwelling and would not be obtrusive on this site. Upon receipt of satisfactorily amended drawings, it is also considered that the occupier of the neighbouring property would not be adversely affected by the development, and that the design and appearance would be more acceptable.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

---

### Recommendation:

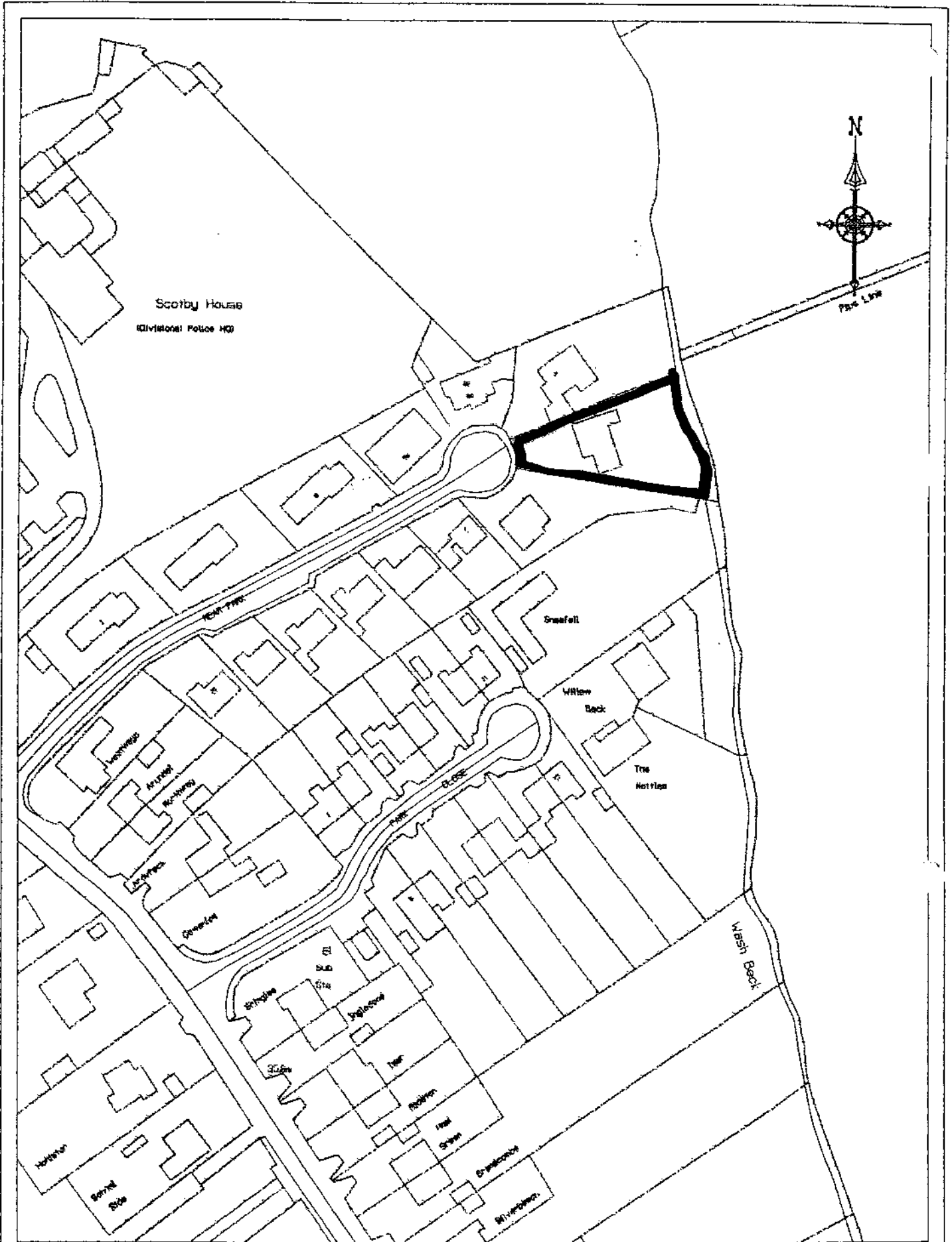
#### Reason for including report in Schedule B

A recommendation is unable to be made as amended drawings are presently awaited from the applicant. Upon receipt of these details, further reconsultation will need to be undertaken.

---

A to I  
after 10 Feb

Supp Schedule  
Page 77 - revised  
drawings.



SCALE

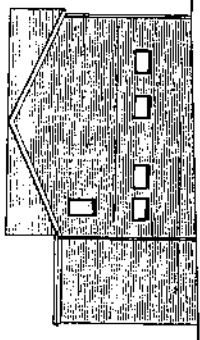
1:1250

DRAWING No.

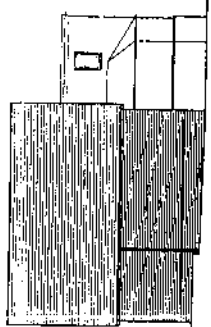
202/1310

DATE: 20/08/102

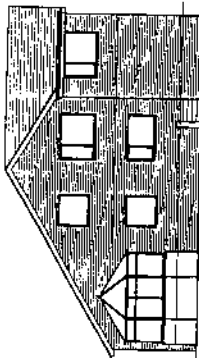
DRAWN BY:



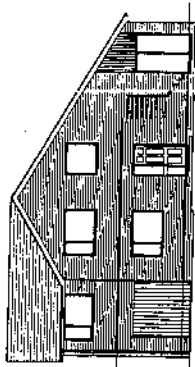
Proposed North Elevation



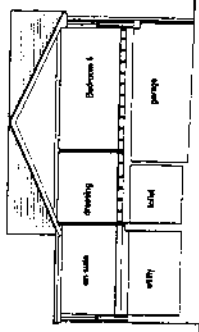
Proposed South Elevation



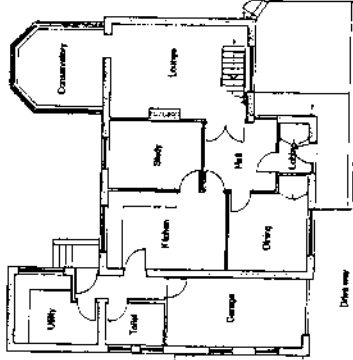
Proposed East Elevation



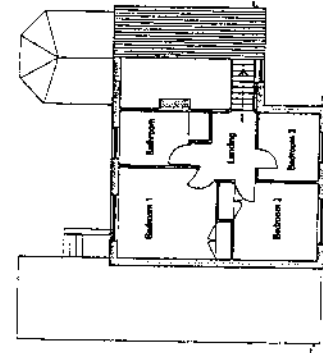
Proposed West Elevation



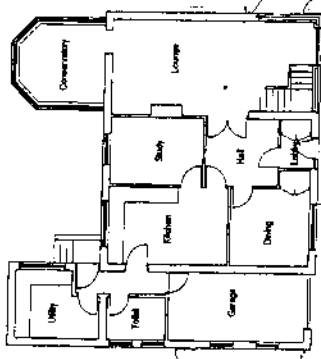
Proposed Section aa



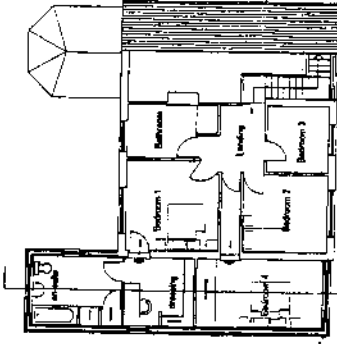
Existing Ground Floor Plan



Existing First Floor Plan



Proposed Ground Floor Plan



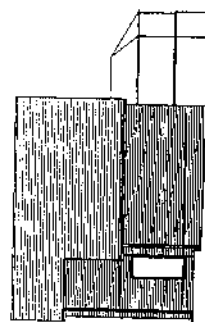
Proposed First Floor Plan

**Materials**

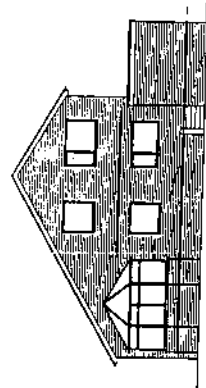
- Walls - facing brickwork to match existing
- Roof - concrete tiles to match existing
- Windows and doors - White UPVC to match existing
- Joinery - painted to match existing
- Gutters and down pipes - UPVC - colour to match existing



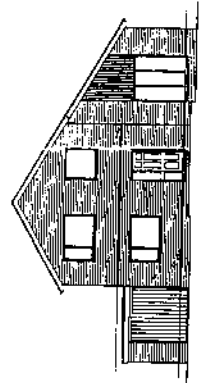
Existing North Elevation



Existing South Elevation



Existing East Elevation



Existing West Elevation

Project Name		26/03/1310	
Client		Mr & Mrs G. King	
Proposed		Proposed extension to 1 New Past, South, Cote	
Drawing No.		26/03/1310	
Drawing Date		26/03/13	
Drawing Scale		1:50	
Drawing Status		Final	
Drawing Author		A.P.	
Drawing Checker		D.P.L.G.	

## SCHEDULE B: Reports Requiring Further Information

02/1314

---

**Item No: 45**

Date of Committee: 31/01/2003

**Appn Ref No:**  
02/1314

**Applicant:**  
Mr I Noble

**Parish:**  
Brampton

**Date of Receipt:**  
12/12/2002

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Brampton

**Location:**  
L/A to rear Oulton House, 66 Carlisle Road,  
Brampton, Cumbria

**Grid Reference:**  
352595 561043

**Proposal:** Erection of 4no. bed dwelling and garage (revised application)

**Amendment:**

John

---

### Report

#### Planning Policies:

#### **Carlisle District Plan Environment - Policy E31**

On land for which there is no archaeological information, but where there are reasonable grounds for believing remains to be present, the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined. Planning permission will not be granted without adequate assessment of the archaeological implications.

#### **Carlisle District Plan Housing - Proposal H2**

Within the Primary Residential Areas defined on the inset maps for Carlisle, Brampton, Longtown and Dalston, proposals for new residential development will be acceptable provided that:

1. Existing areas of open space and other amenity areas are safeguarded; and
2. The proposed development does not adversely affect the amenity of adjacent residential property; and
3. The proposed development complements or enhances existing adjacent residential areas and their amenity; and
4. Satisfactory access and appropriate parking arrangements can be achieved.

Proposals for uses other than residential will not be permitted in Primary Residential

## **SCHEDULE B: Reports Requiring Further Information**

02/1314

Areas other than where they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. Such schemes falling within the scope of this Policy will be considered against the above criteria as well as other Policies of the Plan appropriate for the proposed use.

### **Conservation Area**

The proposal relates to land or premises situated within the Brampton Conservation Area.

### **Affecting the Setting of a Listed Building**

#### **Carlisle District Plan Environment - Policy E35**

Proposals for new development which adversely affect a listed building or its setting will not be permitted. The City Council will seek to encourage any new development to be sympathetic in scale, character and materials.

#### **Carlisle District Plan Environment - Policy E43**

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

### **Summary of Consultation Responses:**

**Cumbria County Council - (Highway Authority):** No objection.

**Brampton Parish Council:** No objection.

**Environment Agency (N Area (+ Waste Disp)):** Awaiting comments.

**Design Services - Drainage Engineer:** Awaiting comments.

**Cumbria County Council - (Archaeological Services):** Awaiting comments.

### **Summary of Representations:**

This application has been advertised by means of site and press notices and



## **SCHEDULE B: Reports Requiring Further Information**

02/1314

neighbour notification. Three letters of objection have been received, although one was subsequently withdrawn. The issues raised in the other two are the loss of tree cover which would result from the development, and the access and parking arrangements.

### **Details of Proposal/Officer Appraisal:**

#### **Planning History:**

In 1986, listed building consent was given for the demolition of a disused wash house to the rear of the existing properties.

In April last year, planning permission was given for the erection of a dwelling on this site.

#### **Details of Proposal:**

This application relates to a site to the rear of 66 Carlisle Road, Brampton, where planning permission exists for the erection of a dwelling.

66 Carlisle Road, also known as Oulton House is a terraced house, which is a listed building. To the rear are substantial brick sheds. The site comprises part of the rear garden of No. 66 and the adjoining property No. 72. The site is within the Brampton Conservation Area.

Permission is now sought for a revised proposal. The building remains in the same location, with access from the lane which runs to the side of No. 72, and leads to a number of other dwellings. The plot is the same, at 24m. x 22m. ( 528 m<sup>2</sup>), and members will recall that to the rear there are two bungalows of recent construction, while to the north there is a dormer bungalow set at a lower level. There is a fall across the site of some 2 metres.

The revised proposal is for a four bedroom dwelling as before, but differs from the approved proposal in that it incorporates a projecting gable on the front elevation, enabling more accommodation to be provided at first floor level. Overall, there is a marginal increase in the footprint of the building, and it is 300mm. higher.

In this situation, it is clear that the principle of a dwelling of this type has been established, and the issues arising from the current application are limited to the details.

In this regard, it will be noted that there have been two objections to the application. These are concerned firstly with the potential loss of trees, and the landscaping, and the second with access and parking. The siting of the dwelling in relation to the trees, and the access and parking are the same as that previously approved. Officers therefore consider that little weight should be given to these objections.

Having said that, officers do have reservations about the revised proposal. Firstly although the proposal is similar in height and scale to that previously approved, and likewise does not have any rear facing windows at first floor, the large gable element

## SCHEDULE B: Reports Requiring Further Information

02/1314

does significantly alter its appearance.

Officers consider that this results in a less satisfactory relationship with the listed building, and have requested that this aspect of the scheme be re-examined. In addition, it is proposed to use artificial slate; in this location, real slate is required.

An updated report will be given at the meeting.

---

### Human Rights Act 1998:

Several provisions of the above Act can have implications in relation to the consideration of planning proposals, the most notable being:

**Article 6** bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

**Article 7** provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

**Article 8** recognises the "Right To Respect for Private and Family Life";

**Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

This application raises issues relevant to Article 8 of the Human Rights Act. The rights of the objectors are respected, but in this instance, it is considered that this should not restrict the grant of permission.

---

### Recommendation:

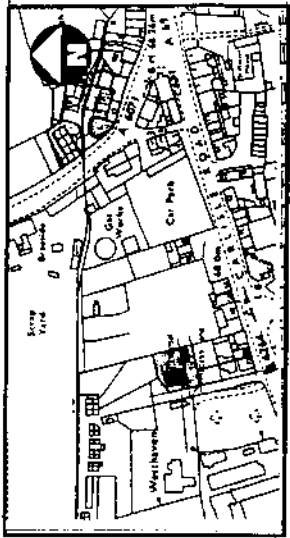
A to I

### Reason for including report in Schedule B

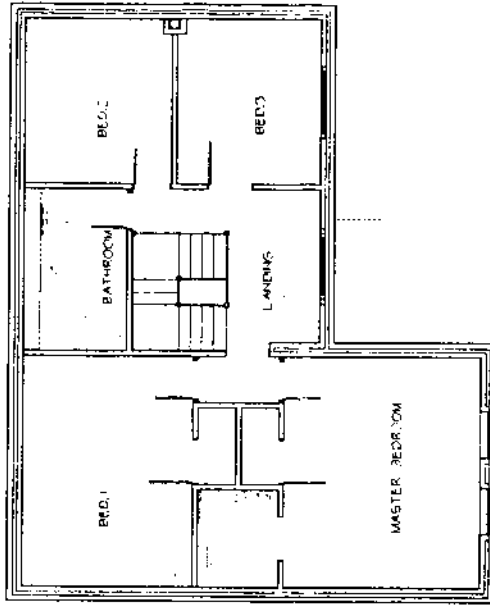
This application has been included on Schedule B because negotiations are still continuing regarding certain aspects of the scheme.

---

Desired form awaited



Location plan 1:1250



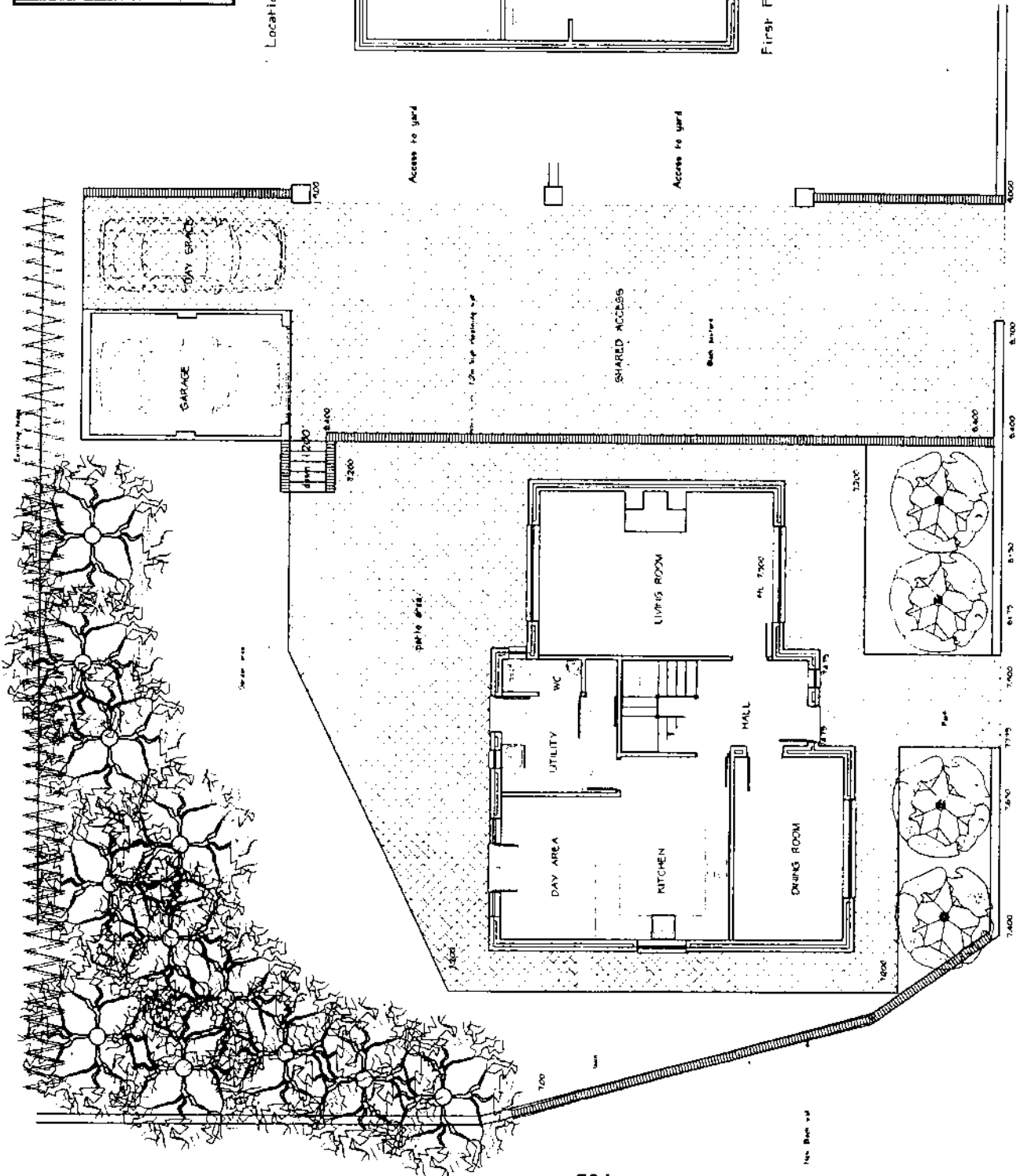
RECEIVED  
13 DEC 2007  
2007/12/13

First Floor Plan 1:50

**TRADA BUILDING DESIGN SERVICES**

Trade Contract, Longwood, Liphook, Hampshire GU30 2NA  
Telephone: 01263 791805  
Mobile: 07731 182172

Job title  
Revised proposal for new dwelling land  
to rear of Outton House, Brampton for  
4 Bedroom house with Garage



Layout and Ground Floor plan 1:50

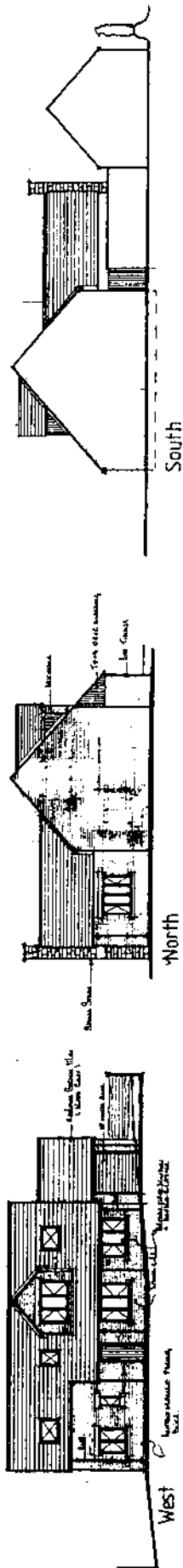
Access Line

Drawing by  
**W.R.FAULDER**  
Date  
**2/12/2002**

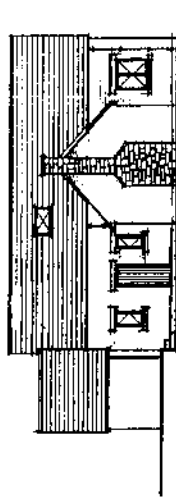
Amendments

Client  
**Mr & Mrs I. Nobil**  
No. 1, Burgary Lane  
Brampton  
Cumbria

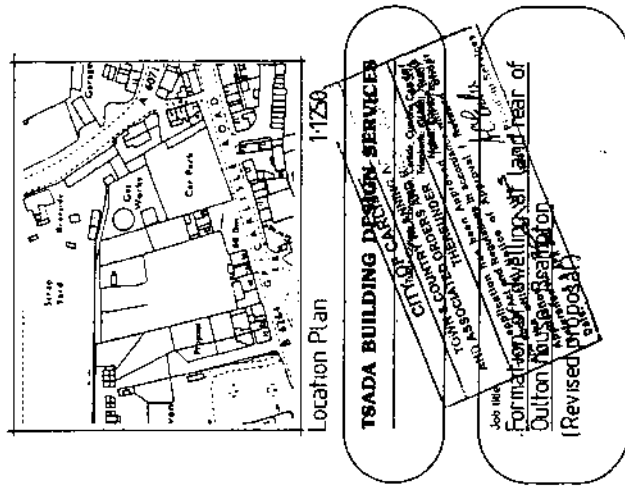
Draw No.  
**100/2002/1**  
Scale  
**AS SHOWN**



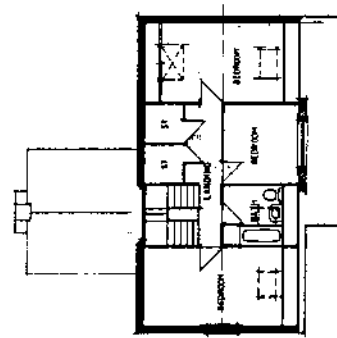
ELEVATIONS 1:100



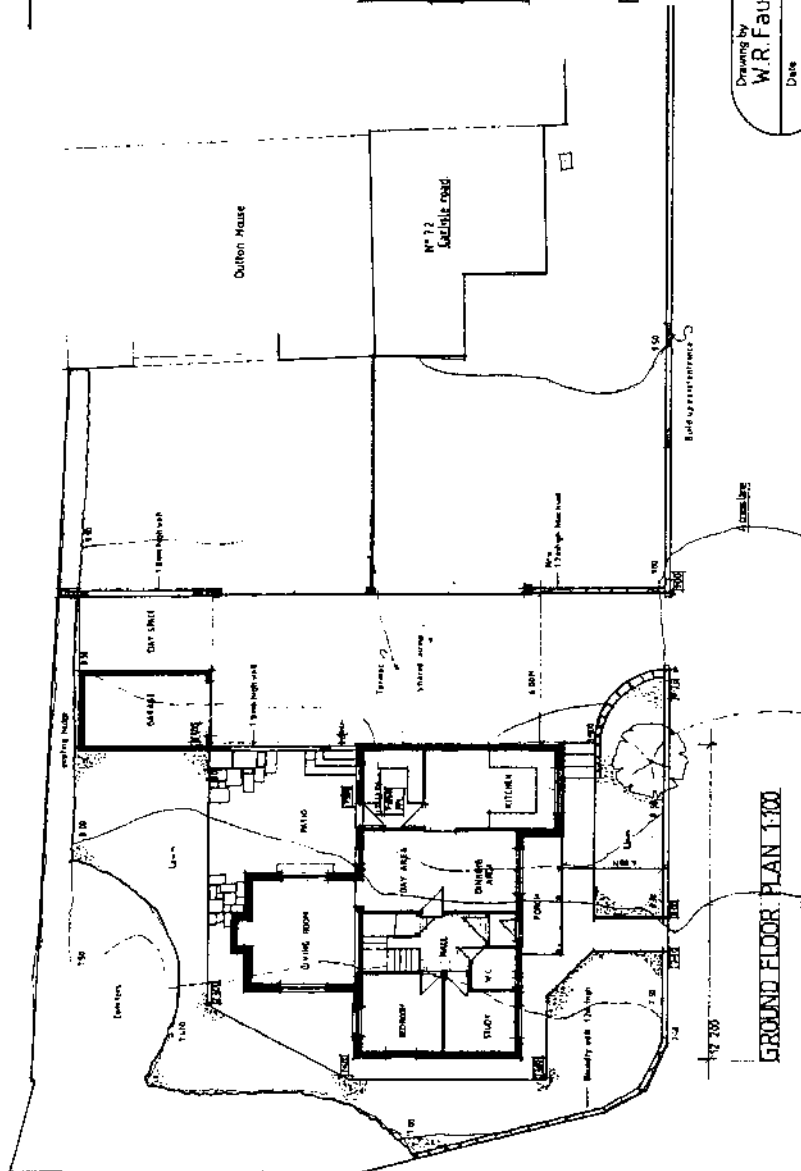
East



Location Plan 1:1250

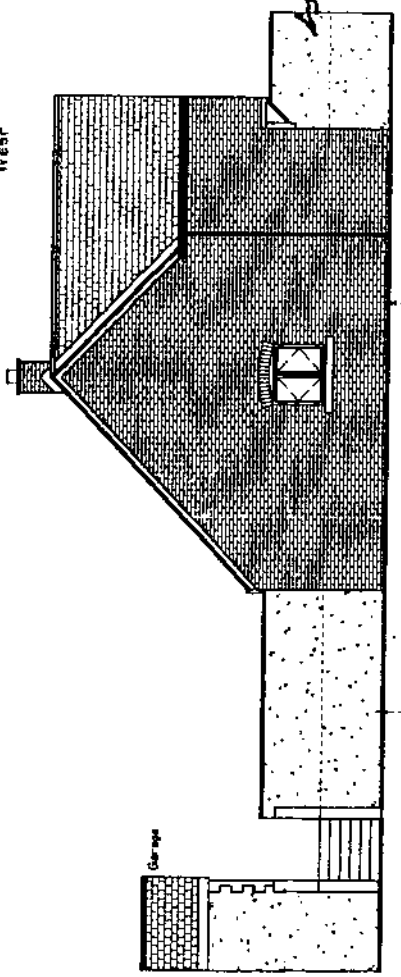
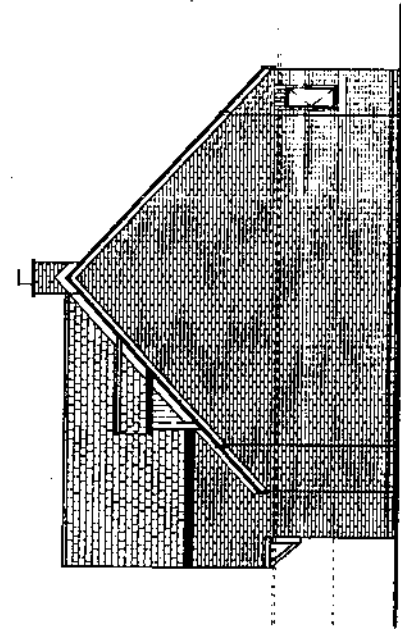
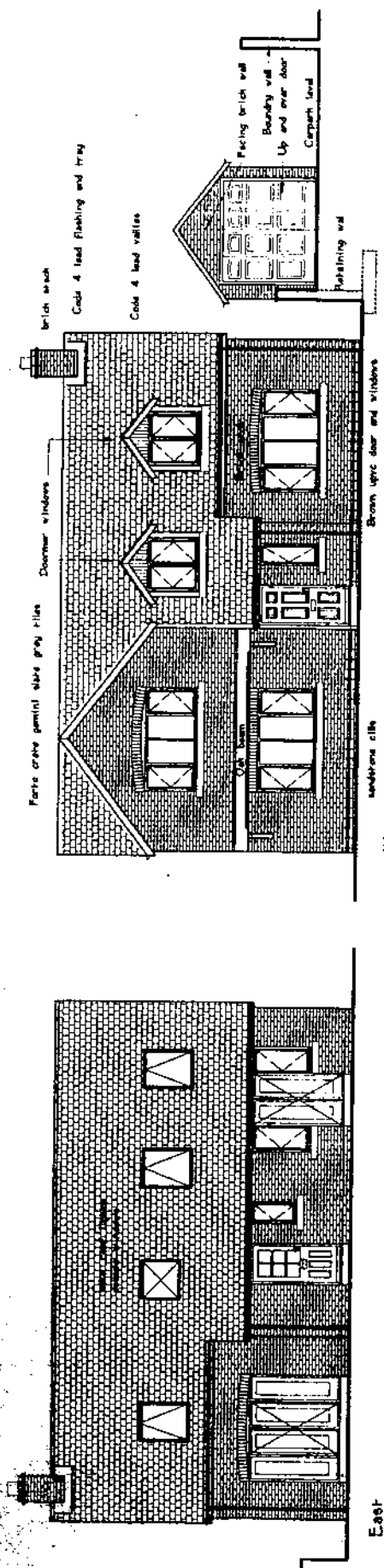


FIRST FLOOR PLAN 1:100



GROUND FLOOR PLAN 1:100

Drawing by <b>W.R. Faulder</b> Date <b>12/21/2002</b>		Amendments 1 12/23/02 2 12/21/02	Client <b>Mr. J. Noble</b> <b>No 1 Surgery lane</b> <b>Brampton</b>	Dig No. <b>567/2001/2</b> Scale <b>As shown</b>
--	--	--	--	--



South

West

North

ELEVATIONS 1:50

RECEIVED  
12 DEC 2002  
13/04/02

**TSADA BUILDING DESIGN SERVICES**  
Tessa Cleeve, Llangamm, Cynllide, Cumbria, CA15 7JG  
Telephone (01283) 791407  
Mobile (07937) 822512

Job title  
Revised proposal for new dwelling on land  
to rear of Oulton House Brampton  
Sheet 2 of 2

Drawing by <b>W.R.FAULDER</b>	Amendments	Client Mrs J. Hood No 1 Surgery Lane Brampton Cumbria	Draw No.
			100/2002/2
Date 6/12/2002			Scale
			As shown

**SCHEDULE C**

**SCHEDULE C**

**SCHEDULE C**

**SCHEDULE C**

**SCHEDULE C**

**SCHEDULE C**

## SCHEDULE C: Applications Determined by Other Authorities

---

**Item No:** 46

Between 30/10/2002 and 17/01/2003

**Appn Ref No:**  
02/9031

**Applicant:**  
Client Services & Property  
Unit

**Parish:**

**Date of Receipt:**  
26/09/2002

**Agent:**  
Cumbria County Council

**Ward:**  
Belle Vue

**Location:**  
Newtown Primary School, Carlisle, CA2 7LW

**Grid Reference:**  
338300 555932

**Proposal:** New multi purpose hall with associated changing, toilets and storage with direct connection to existing school.

**Amendment:**

---

### Report

#### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise No Objection      **Date:** 14/10/2002

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission      **Date:** 30/10/2002

A copy of the Notice of the decision of the Determining Authority is printed following the report.

---

CUMBRIA COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT, 1990

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER, 1995

*NOTICE OF PLANNING CONSENT*

To: Mr K Rattray  
Capita dbs  
Unit H, Kingmoor Business Park  
Baron Way  
CARLISLE  
Cumbria CA6 4SJ

In pursuance of the powers under the above Act and Order and Regulation 3 of the Town and Country Planning General regulations 1992 the Cumbria County Council as local planning authority hereby permit the development described in your application and on the plans and drawings attached thereto received on 25 September 2002.

VIZ: **New Multi-Purpose Hall**  
**Newtown Primary School, Wigton Road, Carlisle**

Subject to due compliance with the following condition/s:

- 1 ~~(i)~~ The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*

- 2 ~~(ii)~~ The development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

*Reason: To ensure the development is carried out to an approved appropriate standard.*

- 3 The building hereby approved shall be open between the hours of 8.30 am and 10.00 pm seven days/week for an initial period of six months after the building is brought into use. They shall be reviewed by the local planning authority at the end of this period and every six months for two years. The opening hours shall be limited to the periods approved in each review.

*Reason: In the interests of local amenity and in accordance with Structure Plan Policies 4 and 25.*

- 4 The building shall not be brought into use before details of the provision for cycle parking have been submitted to and approved by the local planning authority.

*Reason: To ensure that adequate provision for cyclists is made before the new facilities are used and in accordance with Policy T15 of the Carlisle and District Local Plan.*

- 5 No work shall be commenced above ground level on the sports hall and music room until a scheme for noise control and for sound proofing has been submitted to and approved by the Local Planning Authority.

*Reason: In the interests of local amenity in accordance with Structure Plan Policies 4 and 25 and Carlisle and District Local Plan Policy H17.*



- 6 The development hereby approved shall not be brought into use until the new hard play area in the south west corner of the site is completed and available for use.

*Reason: To comply with Carlisle and District Local Plan Policy L10.*

- 7 The development shall not be brought into use until details of parking provision at the school have been approved by the County Planning Authority and the parking facilities constructed. The approved parking shall be made available whilst the school is open and not used for any other purpose.

*Reason: To ensure that vehicles can be properly and safely accommodated clear of the highway.*

Dated the 30<sup>th</sup> day of October 2002  
On behalf of the Council



.....  
**Shaun Gorman**  
**Assistant Director (Development Control)**  
**Community, Economy and Environment**

**NOTE**

- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Economy and Environment or any other officer of Cumbria County Council shall be in writing.

## SCHEDULE C: Applications Determined by Other Authorities

01/1126

---

**Item No: 47** Between 30/10/2002 and 17/01/2003

**Appn Ref No:** 01/1126  
**Applicant:** Mr & Mrs B G Lowe  
**Parish:** Wetheral

**Date of Receipt:** 28/12/2001  
**Agent:** Armstrong Payne Associates  
**Ward:** Wetheral

**Location:** Bay Tree House, Plains Road, Wetheral, Carlisle, Cumbria  
**Grid Reference:** 346284 555159

**Proposal:** Retention of existing dwelling

**Amendment:**

---

### Report

**Decision on Appeals:**

**Appeal Against:** Appeal against refusal of planning perm.

**Type of Appeal:** Written Representations

**Report:** Members will recall that this appeal had a long and complex history. The case before the Inspector is for the retention of the existing dwelling as built.

To briefly remind Members planning permission was granted in 1999 (99/0379) for the erection of a substantial dwelling on the site. In January 2000 amendments to the permission were sanctioned by a letter (there are legal arguments as to the status of that letter that are not relevant to this appeal). However, the dwelling was constructed 80cm closer to 1 Greenacres, therefore, permission 99/0379 had not been implemented.

Following a series of applications which sought permission to retain the building as built and an adjourned Public Inquiry a compromise solution position was approved under permission 01/0512. Despite this permission the appellants again sort permission to retain the dwelling as built and the refusal of that application 01/1126 was the subject of this appeal.

The Inspector has identified the main issue as the affect the proposed development on the living conditions of the occupier of number 1 Greenacres with particular reference to the loss of privacy and overbearance.

With regard to the overbearing nature of the dwelling the Inspector considers that "Even if the dwelling as originally permitted were to be

## SCHEDULE C: Applications Determined by Other Authorities

01/1126

substituted, or the compromise permission implemented, there would still be a substantial dwelling in relatively close proximity to the boundary with number 1 ... it would still dominate the outlook from the windows mentioned above and from the garden".

He concludes that "in my judgement there would be no materially greater effect by overbearance than would occur under a fallback position" (i.e. under the original permission 99/0379, or compromise permission 01/0512).

The Inspector has therefore allowed the appeal but imposed the two following conditions.

"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions shall be erected at the property and no new windows shall be inserted into the eastern elevation unless prior permission has first been granted in writing by the local planning authority.

Within 6 months of the date of this permission the ground floor window in the study (eastern elevation) which directly faces the garden of No. 1 Greenacres shall be block up and the external face of the wall finished to match the remainder of the dwelling".

**Appeal Decision:** Appeal Allowed with Conditions      **Date:** 10/01/2003

---

## SCHEDULE C: Applications Determined by Other Authorities

02/0086

---

**Item No: 48**

Between 30/10/2002 and 17/01/2003

**Appn Ref No:**  
02/0086

**Applicant:**  
The Diocesan Board of  
Finance

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
30/01/2002

**Agent:**  
Architects Plus

**Ward:**  
Stanwix Rural

**Location:**  
L/A Fld 8171 adj St Johns Church Hall, Houghton,,  
Carlisle, Cumbria

**Grid Reference:**  
340820 559719

**Proposal:** Erection of vicarage (outline)

**Amendment:**

---

### Report

#### Decision on Appeals:

**Appeal Against:** Appeal against refusal of planning perm.

**Type of Appeal:** Written Representations

**Report:** This appeal concerned an outline application for the erection of a vicarage in Field 8171, land adjacent St. John's Church Hall, Houghton. The application was refused in June 2002.

The Inspector identified the main issue in this appeal to be the effect of the proposed vicarage on the character and appearance of the surrounding countryside.

The Council argued that the location of the site was outside the confines of the village of Houghton and therefore the proposal would be contrary to Policy H6 of the Carlisle District Local Plan. The Inspector agreed with the Council with regards to this point stating that the physical and visual definition of the village edge are very apparent when approaching the village from the north, along Houghton Road North. Irrespective of how much care was taken to reduce the visual impact of the vicarage paragraph 3.21 of PPG7 indicates that the fact that a single house on a particular site would be unobtrusive is not by itself a good argument, as it could be repeated too often. The Councils view was that the grant of planning permission in this case would create precedents in other similar cases nearby, the Inspector considered that it was possible to consider each separate proposal on its own merits.

The Inspector did not consider that a valid parallel could be drawn between a vicar's place of work and residence and the need for a farm or forestry

## **SCHEDULE C: Applications Determined by Other Authorities**

02/0086

worker to live close to the agricultural or forestry enterprise on which he or she is employed. For both of these reasons the Inspector did not consider that the proposal was justified in terms of the exceptions allowed by Local Plan Policies H6 & E8.

For the above reasons the Inspector concluded that the proposed development would have an unacceptable effect on the character and appearance of the surrounding countryside, and as such would be contrary to development plan policies. The Inspector therefore dismissed the appeal.

**Appeal Decision:** Appeal Dismissed

**Date:** 20/12/2002

---

**SCHEDULE D**

**SCHEDULE D**

**SCHEDULE D**

**SCHEDULE D**

**SCHEDULE D**

**SCHEDULE D**

## SCHEDULE D: Reports on Previously Deferred Decisions

---

**Item No: 49**

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0682

**Applicant:**  
Newfield Grange Hotel

**Parish:**  
Carlisle

**Date of Receipt:**  
21/06/2002

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Belah

**Location:**  
Newfield Grange Hotel, Newfield Drive, Carlisle,  
Cumbria

**Grid Reference:**  
339830 558909

**Proposal:** Extension to provide additional dining and function room facilities

**Amendment:**

---

### Report

#### Details of Deferral:

Members will recall at Committee meeting held on 15th November 2002 that authority was given to the Director of Environment and Development to issue approval subject to the completion of the consultation period and no new planning issues being raised. The consultation period has now expired and no new planning issues have been raised. Therefore approval was issued on 12th December 2002.

**Decision:** Grant Permission

**Date:** 12/12/2002

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building(s) have been submitted to and approved by the local planning authority. Such details shall include the type, colour and texture of the materials.

**Reason:** To ensure that materials to be used are acceptable.

3. No live or amplified music shall be played within any part of the premises used by private parties or by the general public before 0900 hours or after 2300 hours

## SCHEDULE D: Reports on Previously Deferred Decisions

on any day.

**Reason:** To ensure that noise which may emanate from the premises is minimised in order to prevent nuisance and disturbance to the adjacent residential properties.

---

**Item No: 50** Between 02/11/2002 and 17/01/2003

**Appn Ref No:** 02/1069  
**Applicant:** Mr & Mrs R & J Jackson  
**Parish:**

**Date of Receipt:** 14/10/2002  
**Agent:**  
**Ward:** Yewdale

**Location:** 19 Lodore Drive, Carlisle, Cumbria, CA2 7SG  
**Grid Reference:** 336878 555218

**Proposal:** First floor extension to provide 2no. bedrooms

**Amendment:**

---

### Report

#### Details of Deferral:

Members will recall at Committee meeting held on 20th December 2002 that authority was given to the Head of Planning Services to issue approval subject to to the completion of the consultation period without any new planning objections being received. This consultation period has now lapsed and no new planning objections received, therefore, the decision was issued on 8th January 2003.

**Decision:** Grant Permission

**Date:** 08/01/2003

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.



## SCHEDULE D: Reports on Previously Deferred Decisions

**Reason:** To ensure the works harmonise as closely as possible with the existing building.

---

**Item No: 51**

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1082

**Applicant:**  
Mr Ian Thurlbeck

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
14/10/2002

**Agent:**  
S & H Construction

**Ward:**  
Stanwix Rural

**Location:**  
Belmont Cottage, The Row, Low Crosby, Carlisle,  
Cumbria, CA6 4QW

**Grid Reference:**  
344721 559588

**Proposal:** Extension to provide additional living area

**Amendment:**

---

### Report

#### Details of Deferral:

Members will recall at Committee meeting held on 20th December 2002 that authority was given to the Head of Planning Services to issue approval subject to the completion of the consultation period without any new planning objections being received. The consultation period has been completed and no new planning objections have been received. The approval was issued on 7th January 2003.

**Decision:** Grant Permission

**Date:** 07/01/2003

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

## SCHEDULE D: Reports on Previously Deferred Decisions

2. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

**Reason:** To ensure the works harmonise as closely as possible with the existing building.

2. The external walling and roofing materials to be used in the building works hereby permitted shall be identical to those in the existing building. If any other material is proposed no development shall take place until such has been approved, in writing, by the local planning authority.

**Reason:** To ensure the works harmonise as closely as possible with the existing building.

---

**Item No: 52**

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1173

**Applicant:**  
Mr & Mrs D Cameron

**Parish:**  
Brampton

**Date of Receipt:**  
08/11/2002

**Agent:**  
G R & A J Stephen

**Ward:**  
Brampton

**Location:**  
3 Ash Lea, Brampton, CA8 1TD

**Grid Reference:**  
353200 561961

**Proposal:** Alteration and extension of garage to form dwelling

**Amendment:**

1. Alteration to the fenestration and erection of a 1.8 metre high close boarded wooden fence along the north western boundary of the site.
2. Alteration to the proposed layout of the dwelling.

---

### Report

**Details of Deferral:**

Members will recall at Committee meeting held on 20th December 2002 that authority was given to the Head of Planning Services to issue approval subject to no further objections being received to the amended plans submitted 17th December 2002. No further objections have been received and the approval was issued on 3rd January 2003.

## SCHEDULE D: Reports on Previously Deferred Decisions

**Decision:** Grant Permission

**Date:** 03/01/2003

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and County Planning Act 1990.

2. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

**Reason:** To ensure the works harmonise as closely as possible with the existing building.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling unit to be formed in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the local planning authority.

**Reason:** To ensure that the character and attractive appearance of the building is not harmed by inappropriate alterations and/or extensions.

4. Before the development hereby permitted is completed, a 1.8 metre high close boarded wooden fence shall be erected along the north western boundary of the site to the satisfaction of the local planning authority and shall be maintained at that height.

**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site.

5. No development shall commence until parking provision for two vehicles has been provided at No.3 Ash Lea, Craw Hall, Brampton. Any such parking provision shall be retained and be capable of use when the development hereby proposed is completed and shall not be removed or altered without the prior consent of the local planning authority.

**Reason:** In the interests of highway safety.

6. Notwithstanding the provisions of the Town and Country Planning (General

## **SCHEDULE D: Reports on Previously Deferred Decisions**

Permitted Development) Order 1995, (or any Order revoking and re-enacting that (order), the bathroom windows on the north west and north east elevations shall be obscurely glazed and remain so to the satisfaction of the local planning authority.

**Reason:** In order to protect the privacy and amenities of residents in close proximity to the site.

---

**SCHEDULE E**

**SCHEDULE E**

**SCHEDULE E**

**SCHEDULE E**

**SCHEDULE E**

**SCHEDULE E**

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
01/0661

**Applicant:**  
Harraby Catholic Football  
Club 1999

**Parish:**  
Carlisle

**Date of Receipt:**  
13/08/2001

**Agent:**  
Michael Little

**Ward:**  
Harraby

**Location:**  
Harraby Community Centre Football Pitch, Edgehill  
Road,, Carlisle, Cumbria

**Grid Reference:**  
342600 554320

**Proposal:** Siting of storage container to store football equipment

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0342

**Applicant:**  
Mr & Mrs G Stockdale

**Parish:**  
Burtholme

**Date of Receipt:**  
27/03/2002

**Agent:**  
Green Design Group

**Ward:**  
Irthing

**Location:**  
Kingwater Equestrian Centre - Burthinghurst,  
Walton,, Brampton, Cumbria

**Grid Reference:**  
355000 566137

**Proposal:** Conversion of outbuildings into 3no. dwellings

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0591

**Applicant:**  
Mr P Boulter

**Parish:**  
Wetheral

**Date of Receipt:**  
24/05/2002

**Agent:**  
HTGL Architects

**Ward:**  
Wetheral

**Location:**  
L/A part of garden, 23 Scotby Road, Scotby,  
Carlisle, CA4 8BD

**Grid Reference:**  
344010 555470

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Erection of dormer bungalow

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0665

**Applicant:**  
Mr N Thompson

**Parish:**  
Hayton

**Date of Receipt:**  
14/06/2002

**Agent:**  
Edwin Thompson

**Ward:**  
Hayton

**Location:**  
L/A Fenton Farm, Fenton, Carlisle, Cumbria

**Grid Reference:**  
350250 556080

**Proposal:** Erection of 7no. detached dwellings (outline)

**Amendment:**

**Decision:** Withdrawn by Applicant/or by default

**Date:** 13/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0681

**Applicant:**  
Mr D I Wright

**Parish:**  
Carlisle

**Date of Receipt:**  
21/06/2002

**Agent:**

**Ward:**  
Denton Holme

**Location:**  
129-129A Denton Street, Carlisle, Cumbria, CA2  
5EN

**Grid Reference:**  
339785 555061

**Proposal:** Change of use from general store to hot food takeaway (A3)

**Amendment:**

**Decision:** Withdrawn by Applicant/or by default

**Date:** 06/11/2002

---

Between 02/11/2002 and 17/01/2003

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:** 02/0705  
**Applicant:** Halladale Haworth  
(Carlisle) Ltd  
**Parish:** Carlisle

**Date of Receipt:** 15/07/2002  
**Agent:** Finford Management Ltd  
**Ward:** Castle

**Location:** Market Hall, Scotch Street, Carlisle  
**Grid Reference:** 340008 556068

**Proposal:** Installation of new signage and repainting of external woodwork

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:** 02/0706  
**Applicant:** Halladale Haworth  
(Carlisle) Ltd  
**Parish:** Carlisle

**Date of Receipt:** 15/07/2002  
**Agent:** Finford Management Ltd  
**Ward:** Castle

**Location:** Market Hall, Scotch Street, Carlisle  
**Grid Reference:** 340008 556068

**Proposal:** Installation of new signage; repainting of external woodwork; installation of pipework for sprinkler system; alterations required for system to be operational (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:** 02/0751  
**Applicant:** Mr A Townsend  
**Parish:** Carlisle

**Date of Receipt:** 15/07/2002  
**Agent:** S & H Construction  
**Ward:** Morton

**Location:** 18 Woodend Drive, Morton Park, Carlisle, CA2 6HB  
**Grid Reference:** 338800 554482

**Proposal:** Ground floor extension to provide kitchen/dining room, w.c., playroom



## SCHEDULE E: Decisions Issued Under Delegated Powers

with 2no. bedrooms above with dormer windows to front and rear elevations

### Amendment:

**Decision:** Grant Permission

**Date:** 07/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0753

**Applicant:**  
Mr A Hodgson

**Parish:**  
Beaumont

**Date of Receipt:**  
10/07/2002

**Agent:**

**Ward:**  
Burgh

**Location:**  
Beaumont Village Hall, Beaumont, Carlisle, CA5

**Grid Reference:**  
335293 558665

**Proposal:** Provision of improved access for disabled persons

### Amendment:

**Decision:** Grant Permission

**Date:** 22/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0771

**Applicant:**  
Hewden Stuart

**Parish:**  
Carlisle

**Date of Receipt:**  
03/09/2002

**Agent:**  
Chipchase Associates

**Ward:**  
Harraby

**Location:**  
Hewden Stuart, Eastern Way, Carlisle, CA1 2NU

**Grid Reference:**  
342138 554772

**Proposal:** Refurbishment of plant/tool hire centre and demolition of existing redundant buildings.

### Amendment:

**Decision:** Grant Permission

**Date:** 11/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0786

**Applicant:**  
Heather Ferguson

**Parish:**  
Arthuret

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:** 19/07/2002      **Agent:** Jock Gordon      **Ward:** Longtown & Rockcliffe

**Location:** Esk Bank Farm, Esk Bank, Longtown, Carlisle      **Grid Reference:** 337810 568675

**Proposal:** Change of use to childrens play centre/nursery and tea rooms

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:** 02/0865      **Applicant:** J Pinguey      **Parish:** Dalston

**Date of Receipt:** 04/09/2002      **Agent:** Smiths Gore      **Ward:** Dalston

**Location:** Haythwaite Lane Farm, Raughton Head, Dalston, Carlisle, CA5 7DE      **Grid Reference:** 337765 545483

**Proposal:** Erection of livestock building for agricultural use

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:** 02/0876      **Applicant:** Stephen Findley      **Parish:** Carlisle

**Date of Receipt:** 09/09/2002      **Agent:**      **Ward:** St Aidans

**Location:** 179 Warwick Road, Carlisle, CA1 1LP      **Grid Reference:** 341187 555930

**Proposal:** Change of use of ground floor from residential to solarium.

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/11/2002

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0891

**Applicant:**  
Capon Tree Ltd

**Parish:**  
Brampton

**Date of Receipt:**  
16/08/2002

**Agent:**  
Green Design Group

**Ward:**  
Brampton

**Location:**  
6 Longtown Road, Brampton

**Grid Reference:**  
352745 561075

**Proposal:** Conversion of existing ground floor from offices/vets surgery to flat  
**Amendment:**

**Decision:** Grant Permission

**Date:** 12/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0907

**Applicant:**  
The National Westminster Bank

**Parish:**  
Carlisle

**Date of Receipt:**  
20/08/2002

**Agent:**  
W S Atkins

**Ward:**  
Castle

**Location:**  
National Westminster Bank, 92 English Street,  
Carlisle, CA3 8NF

**Grid Reference:**  
340138 555743

**Proposal:** Erection of illuminated and non-illuminated signage  
**Amendment:**

**Decision:** Grant Permission

**Date:** 28/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0909

**Applicant:**  
TDC

**Parish:**

**Date of Receipt:**  
14/10/2002

**Agent:**  
Greens The Signmakers Ltd

**Ward:**  
Belah

**Location:**  
Unit 4 Gearshill Road, Kingstown Industrial Estate,

**Grid Reference:**  
339300 559400

## SCHEDULE E: Decisions Issued Under Delegated Powers

Carlisle, Cumbria

**Proposal:** Erection of non-illuminated elevation signage

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0921

**Applicant:**  
George Wilkinson

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
27/08/2002

**Agent:**  
Eskdale Business Services

**Ward:**  
Dalston

**Location:**  
Flat 1, Ratten Row Farm, Ratten Row, Durdar,  
Carlisle, CA5 7AX

**Grid Reference:**  
339445 549735

**Proposal:** Change of use of existing stable to form additional accommodation to 1st floor flat to convert it to provide a 2no. bedroom house

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0926

**Applicant:**  
Mr J Grant

**Parish:**  
Kingmoor

**Date of Receipt:**  
28/08/2002

**Agent:**  
Mr G R Stevens

**Ward:**  
Stanwix Rural

**Location:**  
L/A Crindledyke Estate, Crindledyke Estate,  
Kingstown, Carlisle

**Grid Reference:**  
338371 560638

**Proposal:** Erection of 2no dwellings (Phase 3-plots 16 & 17)

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/12/2002

---

Between 02/11/2002 and 17/01/2003

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
02/0946

**Applicant:**  
S P & S E Calvert

**Parish:**  
Carlisle

**Date of Receipt:**  
03/09/2002

**Agent:**

**Ward:**  
Denton Holme

**Location:**  
58 Denton Street, Denton Holme, Carlisle, CA2 5EH

**Grid Reference:**  
339790 555145

**Proposal:** Change of use from shoe repairers to seating area ancillary to adjacent sandwich take-away and 2no. bedroomed self contained flat above

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0947

**Applicant:**  
Colin Mattinson

**Parish:**  
Carlisle

**Date of Receipt:**  
03/09/2002

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**  
30A Etterby Street, Stanwix, Carlisle, CA3 9JB

**Grid Reference:**  
339886 557155

**Proposal:** Internal alterations to provide central heating and installation of flue (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0950

**Applicant:**  
The Lord Henley

**Parish:**  
Scaleby

**Date of Receipt:**  
12/09/2002

**Agent:**  
Smiths Gore

**Ward:**  
Stanwix Rural

**Location:**  
L/A Field 4218, Scaleby, Carlisle

**Grid Reference:**  
345430 563200

**Proposal:** Erection of two detached dwellings (outline)

## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Refuse Permission

**Date:** 20/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0951

**Applicant:**  
Mr K Jackson

**Parish:**  
Carlisle

**Date of Receipt:**  
03/09/2002

**Agent:**

**Ward:**  
Harraby

**Location:**  
3 Gooseland Head, Carlisle, CA1 3HG

**Grid Reference:**  
342500 553500

**Proposal:** Extension to form kitchen and dining room

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0955

**Applicant:**  
Mr & Mrs Levy

**Parish:**  
Farlam

**Date of Receipt:**  
11/09/2002

**Agent:**  
JAF Limited

**Ward:**  
Irthing

**Location:**  
Eastern Cottage, Hallbankgate, Brampton, CA8 2PF

**Grid Reference:**  
358250 558710

**Proposal:** Erection of lean to conservatory

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0957

**Applicant:**  
Mr & Mrs Bulman

**Parish:**  
Carlisle

**Date of Receipt:**  
04/09/2002

**Agent:**  
Chris Brown

**Ward:**  
St Aidans

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
2 Irthing Street, Carlisle, CA1 2BB

**Grid Reference:**  
341310 555740

**Proposal:** Erection of extension to side elevation.

**Amendment:**

**Decision:** Grant Permission

**Date:** 23/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0958

**Applicant:**  
Alexon International Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
05/09/2002

**Agent:**  
Alexon International Ltd

**Ward:**  
Castle

**Location:**  
Unit 33, Grapes Lane, The Lanes, Carlisle, CA3  
8NH

**Grid Reference:**  
340133 555968

**Proposal:** Display of internally illuminated fascia sign

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0963

**Applicant:**  
Houghton Out of School  
Club

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
16/09/2002

**Agent:**  
Ms N McGarrigle

**Ward:**  
Stanwix Rural

**Location:**  
Houghton CE Infant School, Jackson Road,  
Houghton, Carlisle, CA3 0PA

**Grid Reference:**  
340950 559250

**Proposal:** Siting of wooden storage shed

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/12/2002

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0968

**Applicant:**  
Carlisle City Council

**Parish:**  
Carlisle

**Date of Receipt:**  
12/09/2002

**Agent:**  
Robin Beattie

**Ward:**  
Currock

**Location:**  
Currock Community Centre, Lediard Avenue,  
Currock, Carlisle, CA3 8QG

**Grid Reference:**  
340001 554205

**Proposal:** Installation of external disabled access ramp, including forming new doorway. Modification to existing shower to provide disabled shower and w.c. facilities. (LBC) (revised proposal)

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0971

**Applicant:**  
Carlisle City Council

**Parish:**  
Carlisle

**Date of Receipt:**  
12/09/2002

**Agent:**  
Robin Beattie

**Ward:**  
Currock

**Location:**  
Currock Community Centre, Lediard Avenue,  
Currock, Carlisle, CA3 8QG

**Grid Reference:**  
340001 554205

**Proposal:** Installation of external disabled access ramp, including forming new doorway. Modification to existing shower to provide disabled shower and w.c. facilities (revised proposal)

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0977

**Applicant:**  
Carlisle City Council

**Parish:**  
Carlisle

**Date of Receipt:**  
12/09/2002

**Agent:**  
Carlisle City Council

**Ward:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
Morton Community Centre, Wigton Road, Carlisle,  
CA2 6JP

**Grid Reference:**  
338275 554991

**Proposal:** Internal alterations to improve access including provision of lift, disabled w.c. and vision panels on doors; replacement of entrance doors and relocation of dark room (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0982

**Applicant:**  
Messrs A Abbott

**Parish:**  
Scaleby

**Date of Receipt:**  
13/09/2002

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Stanwix Rural

**Location:**  
Outbuilding Corriefield Farm, Scaleby, Carlisle, CA6  
4JY

**Grid Reference:**  
345029 564076

**Proposal:** Conversion of outbuilding to domestic dwelling

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0990

**Applicant:**  
Mr Norman Elsworth

**Parish:**  
Wetheral

**Date of Receipt:**  
17/09/2002

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Riverview, Wetheral, Carlisle, CA4 8HZ

**Grid Reference:**  
348355 552040

**Proposal:** Erection of sun lounge

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 08/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0992

**Applicant:**  
Interserve FM Ltd

**Parish:**

**Date of Receipt:**  
14/10/2002

**Agent:**  
Steve Pearson

**Ward:**  
Castle

**Location:**  
Cumberland Infirmary, Newtown Road, Carlisle

**Grid Reference:**  
338752 556100

**Proposal:** Siting of general purpose mobile container for the storage of dirty linen prior to removal from site

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0998

**Applicant:**  
Jean Bell

**Parish:**  
Dalston

**Date of Receipt:**  
18/09/2002

**Agent:**

**Ward:**  
Dalston

**Location:**  
4 Carlisle Road, Dalston, Carlisle

**Grid Reference:**  
337090 550710

**Proposal:** Extension over existing kitchen to provide bedroom

**Amendment:**

1. Internal alterations resulting in an obscure bathroom window being placed in elevation overlooking number 3.

**Decision:** Grant Permission

**Date:** 20/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/0999

**Applicant:**  
Mr A Vaughan

**Parish:**  
Walton

**Date of Receipt:**  
18/09/2002

**Agent:**

**Ward:**  
Irthing

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
High Dovecote, Walton, Brampton, CA8 2JR

**Grid Reference:**  
353060 564200

**Proposal:** Two storey extension comprising ground floor kitchen with bedroom and shower room over

**Amendment:**

**Decision:** Grant Permission

**Date:** 14/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1003

**Applicant:**  
Mr J A Atkinson

**Parish:**

**Date of Receipt:**  
02/10/2002

**Agent:**

**Ward:**  
Belle Vue

**Location:**  
12 Birchdale Road, Belle Vue, Carlisle, CA2 7QU

**Grid Reference:**  
336910 555929

**Proposal:** Erection of entrance porch

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1004

**Applicant:**  
Connexions Cumbria Ltd

**Parish:**

**Date of Receipt:**  
02/10/2002

**Agent:**  
Burnetts

**Ward:**  
Castle

**Location:**  
The Exchange, Lonsdale Street, Carlisle, Cumbria

**Grid Reference:**  
340276 555862

**Proposal:** Change of use of first floor from optical workshop to offices

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/12/2002

---

Between 02/11/2002 and 17/01/2003

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
02/1005

**Applicant:**  
Mr & Mrs Hurley

**Parish:**  
Carlisle

**Date of Receipt:**  
19/09/2002

**Agent:**  
Swarbrick Associates

**Ward:**  
Belah

**Location:**  
30 Moorville Drive, Lowry Hill, Carlisle, CA3 0AN

**Grid Reference:**

**Proposal:** Two storey extension to provide family room with dressing room and 1no. en-suite bedroom above.

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1006

**Applicant:**  
Northern Trust Company  
Ltd

**Parish:**  
Arthuret

**Date of Receipt:**  
26/09/2002

**Agent:**  
Whittle Jones North West

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Units, 1A-1B Longtown Industrial Estate, Longtown,  
Carlisle

**Grid Reference:**  
338155 568418

**Proposal:** Erection of 2.4m high palisade fence with 5.8m wide access gates

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1008

**Applicant:**  
Mr P D Ryan

**Parish:**  
Burtholme

**Date of Receipt:**  
19/09/2002

**Agent:**

**Ward:**  
Irthing

**Location:**  
Bridge End Cottage, Lanercost, Brampton, CA8  
2HG

**Grid Reference:**

**Proposal:** Extension to form 3no. bedrooms, cloakroom and conservatory together

## SCHEDULE E: Decisions Issued Under Delegated Powers

with detached garage

### Amendment:

**Decision:** Grant Permission

**Date:** 11/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1009

**Applicant:**  
Mrs C P Logan

**Parish:**  
Carlisle

**Date of Receipt:**  
19/09/2002

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**  
124 Knowe Park Avenue, Stanwix, Carlisle, CA3  
9EN

**Grid Reference:**  
340100 557525

**Proposal:** Two storey extension to provide enlarged kitchen, rear hall, utility and garage with 1no. bedroom and bathroom above

### Amendment:

**Decision:** Grant Permission

**Date:** 04/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1011

**Applicant:**  
Mr & Mrs D Mandle

**Parish:**  
Brampton

**Date of Receipt:**  
19/09/2002

**Agent:**  
G R & A J Stephen

**Ward:**  
Brampton

**Location:**  
Garthowen, Lanercost Road, Brampton, CA8 1EN

**Grid Reference:**  
353670 561370

**Proposal:** Extension to provide living room, utility and shower room

### Amendment:

**Decision:** Grant Permission

**Date:** 08/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1015

**Applicant:**  
Cumbria Magistrates Court  
Service

**Parish:**  
Carlisle

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
20/09/2002

**Agent:**  
Capita dbs Limited

**Ward:**  
Castle

**Location:**  
Magistrates Courts, Rickergate, Carlisle, CA3 8QH

**Grid Reference:**  
340072 556223

**Proposal:** Construction of disabled access ramp to main public entrance  
**Amendment:**

**Decision:** Grant Permission

**Date:** 07/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1016

**Applicant:**  
Mr Moses

**Parish:**  
Carlisle

**Date of Receipt:**  
30/09/2002

**Agent:**  
Care & Repair

**Ward:**  
Stanwix Urban

**Location:**  
49 Scotland Road, Carlisle, CA3 9HS

**Grid Reference:**  
339984 557203

**Proposal:** Reduction of chimney stack from 2.5m to approx 1m (LBC)  
**Amendment:**

**Decision:** Grant Permission

**Date:** 05/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1018

**Applicant:**  
Mr John C Pearson

**Parish:**  
Carlisle

**Date of Receipt:**  
24/09/2002

**Agent:**

**Ward:**  
Castle

**Location:**  
2-3 Market Arcade, Scotch Street, Carlisle

**Grid Reference:**  
340082 556103

**Proposal:** Formation of internal door opening (LBC)  
**Amendment:**

**Decision:** Grant Permission

**Date:** 10/12/2002

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 02/11/2002 and 17/01/2003

**Appn Ref No:** 02/1021      **Applicant:** Mr D Emerson      **Parish:** Carlisle  
**Date of Receipt:** 24/09/2002      **Agent:** B Taylor      **Ward:** Belah  
**Location:** 82 Pinecroft, Newfield, Carlisle, CA3 0DB      **Grid Reference:** 339 750  
**Proposal:** First floor extension to provide 2no. bedrooms  
**Amendment:**

**Decision:** Grant Permission      **Date:** 05/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:** 02/1023      **Applicant:** T A Musson & D H Musson      **Parish:** Arthuret  
**Date of Receipt:** 28/10/2002      **Agent:**      **Ward:** Longtown & Rockcliffe  
**Location:** Carwinley Mill, Carwinley, Longtown, Carlisle, CA6 5PE      **Grid Reference:** 340385 572925  
**Proposal:** Change of use of summer house to holiday let chalet and change of use of agricultural land to domestic garden  
**Amendment:**

**Decision:** Grant Permission      **Date:** 30/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:** 02/1027      **Applicant:** Stuart Turnbull      **Parish:** Carlisle  
**Date of Receipt:** 30/09/2002      **Agent:**      **Ward:** Belle Vue  
**Location:** 46 Burgh Road, Carlisle, CA2 7NB      **Grid Reference:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Extension to form kitchen, utility and garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1031

**Applicant:**  
Mr A Bradley

**Parish:**  
Carlisle

**Date of Receipt:**  
27/09/2002

**Agent:**  
Architects Plus

**Ward:**  
Castle

**Location:**  
36-38 Abbey Street, Carlisle, CA3 8TX

**Grid Reference:**  
339770 555973

**Proposal:** Change of use from office accommodation to 2no. dwellings

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1032

**Applicant:**  
Mr A Bradley

**Parish:**  
Carlisle

**Date of Receipt:**  
27/09/2002

**Agent:**  
Architects Plus

**Ward:**  
Castle

**Location:**  
36-38 Abbey Street, Carlisle, CA3 8TX

**Grid Reference:**  
339770 555973

**Proposal:** Change of use from office accommodation to 2no. dwellings (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1033

**Applicant:**  
Mr M H Grey

**Parish:**  
Burgh-by-Sands



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
27/09/2002

**Agent:**  
John Lyon Associates

**Ward:**  
Burgh

**Location:**  
The Hollies, Thurstonfield, Carlisle, CA5 6HD

**Grid Reference:**  
331593 556650

**Proposal:** Conversion of outbuilding to form kitchen, dining room and snug together with reconstruction of east facing wall into courtyard

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1034

**Applicant:**  
Mr M H Grey

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
27/09/2002

**Agent:**  
John Lyon Associates

**Ward:**  
Burgh

**Location:**  
The Hollies, Thurstonfield, Cumbria,

**Grid Reference:**  
331593 556650

**Proposal:** Conversion of outbuilding to form kitchen, dining room and snug together with reconstruction of east facing wall into courtyard (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 04/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1035

**Applicant:**  
Cumbria Ambulance  
Service

**Parish:**

**Date of Receipt:**  
03/10/2002

**Agent:**  
Capita dbs Limited

**Ward:**  
Castle

**Location:**  
Carlisle Ambulance Station, Infirmary Street,  
Carlisle, CA2 7AN

**Grid Reference:**  
338752 556100

**Proposal:** Provision of temporary building to use as storage space

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 09/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1039

**Applicant:**  
Mr & Mrs Park

**Parish:**  
Carlisle

**Date of Receipt:**  
27/09/2002

**Agent:**  
A Roscoe

**Ward:**  
Belle Vue

**Location:**  
99 Burgh Road, Carlisle, CA2 7NB

**Grid Reference:**  
337341 556338

**Proposal:** Erection of a conservatory together with extension of existing garage  
**Amendment:**

**Decision:** Grant Permission

**Date:** 08/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1041

**Applicant:**  
Peter Jackson Jewellers  
Ltd

**Parish:**

**Date of Receipt:**  
04/10/2002

**Agent:**  
Transform Shopfitters Ltd

**Ward:**  
Stanwix Urban

**Location:**  
Unit 11, East Tower Lane, The Lanes, Carlisle, CA3  
8NS

**Grid Reference:**  
340160 556115

**Proposal:** Display of internally illuminated lettering, non-illuminated fascia sign and  
projecting sign

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1045

**Applicant:**  
Mr & Mrs N Budden

**Parish:**  
Arthuret

**Date of Receipt:**  
01/10/2002

**Agent:**  
CIS Ltd

**Ward:**  
Longtown & Rockcliffe

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
Arthuret House, Longtown, Carlisle, Cumbria

**Grid Reference:**  
338010 567750

**Proposal:** Erection of replacement conservatory

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1046

**Applicant:**  
M & G Watson

**Parish:**  
Brampton

**Date of Receipt:**  
01/10/2002

**Agent:**  
Gordon

**Ward:**  
Brampton

**Location:**  
L/ADJ Greenlea, Greenfield Lane, Brampton, CA8  
1DB

**Grid Reference:**  
352920 561414

**Proposal:** Erection of 2no. semi-detached dwellings

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1047

**Applicant:**  
Mr & Mrs Rumney

**Parish:**

**Date of Receipt:**  
04/10/2002

**Agent:**

**Ward:**  
Morton

**Location:**  
27 Levens Drive, Morton Park, Carlisle, Cumbria,  
CA2 6JE

**Grid Reference:**  
338705 554527

**Proposal:** Extension over existing kitchen to provide bathroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/11/2002

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 02/11/2002 and 17/01/2003

**Appn Ref No:** 02/1048  
**Applicant:** Specsavers Optical Group  
**Parish:**

**Date of Receipt:** 02/10/2002  
**Agent:** Sandoms (Batley) Ltd  
**Ward:** Castle

**Location:** 50-54 Castle Street, Carlisle, CA3 8JA  
**Grid Reference:** 340006 555943

**Proposal:** Fire exit and external air conditioning condensers

**Amendment:**

**Decision:** Grant Permission **Date:** 07/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:** 02/1049  
**Applicant:** Specsavers Optical Group  
**Parish:**

**Date of Receipt:** 02/10/2002  
**Agent:** Sandoms (Batley) Ltd  
**Ward:** Castle

**Location:** 50-54 Castle Street, Carlisle, CA3 8JA  
**Grid Reference:** 340006 555943

**Proposal:** Fire exit and external air conditioning condensers (LBC)

**Amendment:**

**Decision:** Grant Permission **Date:** 07/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:** 02/1050  
**Applicant:** Mr & Mrs D Briggs  
**Parish:** Brampton

**Date of Receipt:** 02/10/2002  
**Agent:** Taylor & Hardy  
**Ward:** Brampton

**Location:** Green Lane House, Greenhill, Brampton, Cumbria, CA8 1SU  
**Grid Reference:** 352588 560778

**Proposal:** Extension to existing residential home for the elderly to provide 8no. new bedrooms and associated shared facilities including a landscaped

## SCHEDULE E: Decisions Issued Under Delegated Powers

courtyard

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1051

**Applicant:**  
Mr & Mrs D Briggs

**Parish:**  
Brampton

**Date of Receipt:**  
03/10/2002

**Agent:**  
Taylor & Hardy

**Ward:**  
Brampton

**Location:**  
Green Lane House, Greenhill, Brampton, Cumbria,  
CA8 1SU

**Grid Reference:**  
352588 560778

**Proposal:** Extension to existing residential home for the elderly to provide 8no. new bedrooms and associated shared facilities including a landscaped courtyard (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1052

**Applicant:**  
Peter Jackson Jewellers  
Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
02/10/2002

**Agent:**  
Transform Shopfitters Ltd

**Ward:**  
Stanwix Urban

**Location:**  
Unit 11, East Tower Lane, The Lanes, Carlisle, CA3  
8NS

**Grid Reference:**  
340160 556115

**Proposal:** New shop front

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/11/2002

---

Between 02/11/2002 and 17/01/2003

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
02/1053

**Applicant:**  
Murray's Haulage Ltd

**Parish:**  
Arthuret

**Date of Receipt:**  
03/10/2002

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Woodland Garage, White Syke, Longtown, Carlisle,  
Cumbria

**Grid Reference:**  
340575 567050

**Proposal:** Erection of transport office and boardroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1055

**Applicant:**  
Mr & Mrs T K Hughes

**Parish:**  
Irthington

**Date of Receipt:**  
03/10/2002

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
Newtown Farm, Newtown, Irthington, Carlisle,  
Cumbria, CA2 6DG

**Grid Reference:**  
350000 562749

**Proposal:** Erection of single garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1056

**Applicant:**  
Mr & Mrs Coulter

**Parish:**  
Wetheral

**Date of Receipt:**  
03/10/2002

**Agent:**  
A Roscoe

**Ward:**  
Wetheral

**Location:**  
18 Scotby Village, Scotby, Carlisle, CA4 8BS

**Grid Reference:**  
344190 554838

**Proposal:** Single storey rear extension to provide 1no. bedroom

## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 07/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1058

**Applicant:**  
Ms M E Foord

**Parish:**  
Carlisle

**Date of Receipt:**  
16/10/2002

**Agent:**

**Ward:**  
Yewdale

**Location:**  
Abrigo, 204 Wigton Road, Carlisle, CA2 6JZ

**Grid Reference:**  
337960 554725

**Proposal:** Erection of free standing pole sign

### Amendment:

**Decision:** Grant Permission

**Date:** 28/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1062

**Applicant:**  
Mr N J Merritt

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
07/10/2002

**Agent:**  
Jock Gordon

**Ward:**  
Burgh

**Location:**  
Nookfield Cottage, Burgh by Sands, Carlisle CA5  
6AN

**Grid Reference:**  
332574 559115

**Proposal:** First floor extension to provide bedroom together with a conservatory

### Amendment:

**Decision:** Grant Permission

**Date:** 28/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1063

**Applicant:**  
Mr & Mrs Mackenzie

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
07/10/2002

**Agent:**  
Jock Gordon

**Ward:**  
Burgh

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
Hessle Rise, Thurstonfield, Carlisle, Cumbria, CA5  
6HG

**Grid Reference:**  
331378 556820

**Proposal:** Erection of conservatory

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1064

**Applicant:**  
Mr Alan Mayson

**Parish:**  
Wetheral

**Date of Receipt:**  
07/10/2002

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Garth Foot Cottage,, School Road, Cumwhinton,  
Carlisle, CA4 8DU

**Grid Reference:**  
345285 552788

**Proposal:** Single storey lounge extension and new garage with music studio

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1065

**Applicant:**  
Richard Gray

**Parish:**  
Orton

**Date of Receipt:**  
07/10/2002

**Agent:**

**Ward:**  
Burgh

**Location:**  
Jefferies Wood, Orton Grange, Cardewlees,  
Carlisle, Cumbria

**Grid Reference:**  
334530 552147

**Proposal:** Replacement of existing single storey dwelling with two storey house  
(revised application)

**Amendment:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 11/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1066

**Applicant:**  
Mm02 Airwave

**Parish:**  
Farlam

**Date of Receipt:**  
07/10/2002

**Agent:**  
Moore

**Ward:**  
Irthing

**Location:**  
Curdiff, Low Lonnington Farm, Hallbankgate,

**Grid Reference:**  
357740 558050

**Proposal:** Replacement of existing 10m high mast with a 15m high mast to support 3no. jaybeam antenna, 1no. dish antenna and 2no. re-located ICL antenna together with other ancillary development.

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1067

**Applicant:**  
Major P D Johnson

**Parish:**  
Brampton

**Date of Receipt:**  
08/10/2002

**Agent:**  
J Wareing & Son

**Ward:**  
Brampton

**Location:**  
Cotehill Farm, Brampton. Cumbria

**Grid Reference:**  
353416 562479

**Proposal:** Erection of milking parlour.

**Amendment:**

**Decision:** Grant Permission

**Date:** 12/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1070

**Applicant:**  
Robert Carruthers

**Parish:**  
Arthuret

**Date of Receipt:**  
08/10/2002

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**

**Grid Reference:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

3 Woodside, Sandysike, CA6 5SP

338000 566120

**Proposal:** Extension to ground floor living accommodation

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1071

**Applicant:**  
Mr P Izon

**Parish:**  
Brampton

**Date of Receipt:**  
18/10/2002

**Agent:**  
Northern Construction

**Ward:**  
Brampton

**Location:**  
12 Dacre Road, Brampton, CA18 1BJ

**Grid Reference:**  
352775 561590

**Proposal:** Extension to provide porch, dining room and external store with 1no. bedroom and bathroom above

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1073

**Applicant:**  
Mr & Mrs Wright

**Parish:**  
Carlisle

**Date of Receipt:**  
09/10/2002

**Agent:**  
Gordon

**Ward:**  
Morton

**Location:**  
53 Castlerigg Drive, Carlisle, Cumbria, CA2 6PG

**Grid Reference:**  
337960 554465

**Proposal:** Two storey extension to provide utility with bedroom above

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**

**Applicant:**

**Parish:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

02/1075                      Sandra Hale                      Carlisle

**Date of Receipt:**                  **Agent:**                      **Ward:**  
29/10/2002                      Castle

**Location:**                      **Grid Reference:**  
Units 80 & 90, East Tower Lane, The Lanes,  
Carlisle                      340160 556115

**Proposal:** Erection of projecting signs  
**Amendment:**

**Decision:** Grant Permission                      **Date:** 29/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**                  **Applicant:**                  **Parish:**  
02/1076                      Finesse Windows

**Date of Receipt:**                  **Agent:**                      **Ward:**  
11/10/2002                      Denton Holme

**Location:**                      **Grid Reference:**  
Finesse Windows, Arrburn House, Denton Holme  
Trade Centre, Chapel Place, Carlisle                      339736 555700

**Proposal:** Extension to reception area  
**Amendment:**

**Decision:** Grant Permission                      **Date:** 03/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**                  **Applicant:**                  **Parish:**  
02/1077                      Mrs Margaret A Hawley                      Carlisle

**Date of Receipt:**                  **Agent:**                      **Ward:**  
11/10/2002                      Botcherby

**Location:**                      **Grid Reference:**  
1 Westville, Harraby, Carlisle, Cumbria, CA1 3QE                      342192 554665

**Proposal:** Erection of garage, utility store and entry porch  
**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 22/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1078

**Applicant:**  
Carlisle City Council

**Parish:**

**Date of Receipt:**  
11/10/2002

**Agent:**

**Ward:**  
Castle

**Location:**  
Tullie House, Castle Street, Carlisle, Cumbria

**Grid Reference:**  
339780 556044

**Proposal:** Erection of City Council Crest and Art Gallery Sign

**Amendment:**

**Decision:** Grant Permission

**Date:** 11/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1081

**Applicant:**  
Robert Jeffrey

**Parish:**  
Brampton

**Date of Receipt:**  
14/10/2002

**Agent:**  
Ian Simpson

**Ward:**  
Brampton

**Location:**  
Rosewood House, Station Road, Brampton, CA8  
1EX

**Grid Reference:**  
353910 561020

**Proposal:** Two storey extension to provide utility room and bathroom with 1 no. bedroom above

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1086

**Applicant:**  
Mr & Mrs M Atkinson

**Parish:**  
Brampton

**Date of Receipt:**  
15/10/2002

**Agent:**

**Ward:**  
Brampton

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
15 Mill Field, Brampton, CA8 1TT

**Grid Reference:**  
353390 561000

**Proposal:** Erection of detached garage and store

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1087

**Applicant:**  
Mr & Mrs Mansfield

**Parish:**  
Carlisle

**Date of Receipt:**  
15/10/2002

**Agent:**

**Ward:**  
Harraby

**Location:**  
28 Forest Hill, Carlisle, CA1 3HF

**Grid Reference:**  
342570 553480

**Proposal:** Two storey extension to provide enlarged kitchen and WC with en-suite bedroom above

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1088

**Applicant:**  
Mr A J Pitt

**Parish:**  
Brampton

**Date of Receipt:**  
15/10/2002

**Agent:**  
Gordon

**Ward:**  
Brampton

**Location:**  
42 Beck Riggs, Longtown Road, Brampton, CA8  
1AL

**Grid Reference:**  
352600 561120

**Proposal:** Two storey extension to provide garage and en suite bedroom at first floor

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/12/2002

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 02/11/2002 and 17/01/2003

**Appn Ref No:** 02/1089  
**Applicant:** The Property Department  
**Parish:** Kingmoor

**Date of Receipt:** 15/10/2002  
**Agent:**  
**Ward:** Stanwix Rural

**Location:** Edinburgh Woollen Mill Distribution Centre, Site A, Queens Drive, Kingmoor Park South, Kingmoor, CA6 4SB  
**Grid Reference:** 338300 558800

**Proposal:** Display of 1no. illuminated sign and 2no. non-illuminated signs  
**Amendment:**

**Decision:** Grant Permission

**Date:** 18/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:** 02/1090  
**Applicant:** Mr & Mrs R J Curtis  
**Parish:** Wetheral

**Date of Receipt:** 15/10/2002  
**Agent:**  
**Ward:** Wetheral

**Location:** Knott Hill Farm, Armathwaite, Carlisle, CA4 9SY  
**Grid Reference:** 348615 550296

**Proposal:** Application for Certificate of Lawfulness for siting of static caravan  
**Amendment:**

**Decision:** Grant Permission

**Date:** 04/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:** 02/1091  
**Applicant:** Mr Allinson  
**Parish:** Carlisle

**Date of Receipt:** 28/10/2002  
**Agent:** B Taylor  
**Ward:** Currock

**Location:** 14 Currock Bank Road, Currock, Carlisle, CA2 4BN  
**Grid Reference:** 340205 553800

**Proposal:** side and rear extensions to provide utility room, conservatory to the

## SCHEDULE E: Decisions Issued Under Delegated Powers

ground floor and bedroom to the first floor

### Amendment:

**Decision:** Grant Permission

**Date:** 09/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1093

**Applicant:**  
Mrs S Lowther

**Parish:**  
Carlisle

**Date of Receipt:**  
16/10/2002

**Agent:**  
HTGL Architects

**Ward:**  
St Aidans

**Location:**  
Lanercost, 13 St Aidans Road, Carlisle, CA1 1LS

**Grid Reference:**  
341070 556053

**Proposal:** New entrance porch

### Amendment:

**Decision:** Grant Permission

**Date:** 25/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1095

**Applicant:**  
Save Service Station

**Parish:**  
Carlisle

**Date of Receipt:**  
16/10/2002

**Agent:**

**Ward:**  
Currock

**Location:**  
Save Filling Station, James Street, Carlisle, CA2  
5AY

**Grid Reference:**  
340120 555268

**Proposal:** Use of part of site for the sale of motor vehicles (retrospective application)

### Amendment:

**Decision:** Grant Permission

**Date:** 12/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1096

**Applicant:**  
Mr & Mrs T Atkinson

**Parish:**  
Hayton

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
16/10/2002

**Agent:**

**Ward:**  
Hayton

**Location:**  
Glen Cottage, How Mill, Carlisle, CA8 9JY

**Grid Reference:**  
350600 556364

**Proposal:** Removal of porch to be replaced with utility room, WC & sun lounge

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1099

**Applicant:**  
J S & J Whitfield

**Parish:**  
Orton

**Date of Receipt:**  
25/10/2002

**Agent:**

**Ward:**  
Burgh

**Location:**  
Orton Rigg Farm, Orton Rigg, Great Orton, Carlisle,  
CA5 6LL

**Grid Reference:**  
333042 552351

**Proposal:** Erection of agricultural building to be used for housing cattle

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1100

**Applicant:**  
McKnight & Son Builders

**Parish:**  
Brampton

**Date of Receipt:**  
22/10/2002

**Agent:**  
Green Design Group

**Ward:**  
Brampton

**Location:**  
L/A Plot 7 & 8, Oak Park, Jock's Hill, Brampton

**Grid Reference:**  
353551 560946

**Proposal:** Erection of 2no. dwellings

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/12/2002

---



## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 02/11/2002 and 17/01/2003

**Appn Ref No:** 02/1103  
**Applicant:** Mr & Mrs Lister  
**Parish:** Dalston

**Date of Receipt:** 17/10/2002  
**Agent:** Paramount Windows  
**Ward:** Dalston

**Location:** 4 Walk Mill, Dalston, Carlisle, CA5 7QW  
**Grid Reference:** 337000 549200

**Proposal:** Erection of conservatory to rear of property

**Amendment:**

**Decision:** Later found to be Permitted Development

**Date:** 04/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:** 02/1104  
**Applicant:** Mr & Mrs Hodgson  
**Parish:** Carlisle

**Date of Receipt:** 17/10/2002  
**Agent:** Gordon  
**Ward:** Stanwix Urban

**Location:** 24 Knowe Park Avenue, Stanwix, Carlisle, CA3 9EJ  
**Grid Reference:** 340120 557375

**Proposal:** First floor extension over existing garage to provide bedroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:** 02/1105  
**Applicant:** Mr & Mrs S A Khan  
**Parish:** Scaleby

**Date of Receipt:** 18/10/2002  
**Agent:** Tsada Building Design Services  
**Ward:** Stanwix Rural

**Location:** The Birches, Scaleby Hill, Kirkclinton, Carlisle  
**Grid Reference:** 343764 563975

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Conversion and extension of attached garage to form kitchen, day area, store, en-suite bathroom to ground floor, with 1st floor balcony to front.  
Erection of detached garage.

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1106

**Applicant:**  
The School Governors

**Parish:**  
Carlisle

**Date of Receipt:**  
18/10/2002

**Agent:**  
Geoffrey Cowan &  
Company

**Ward:**  
St Aidans

**Location:**  
Newman School, Lismore Place, Carlisle, CA1 1NA

**Grid Reference:**  
340755 556220

**Proposal:** Extension to form new classroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 22/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1107

**Applicant:**  
Pirelli UK Tyres Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
18/10/2002

**Agent:**  
Architects Plus

**Ward:**  
Denton Holme

**Location:**  
Pirelli (UK) Tyres Limited, Dalston Road, Carlisle,  
CA2 6AR

**Grid Reference:**  
338900 553600

**Proposal:** Extension to existing sports changing rooms

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/01/2003

---

Between 02/11/2002 and 17/01/2003

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
02/1108

**Applicant:**  
Scottish & Newcastle Pub  
Enterprises

**Parish:**  
Carlisle

**Date of Receipt:**  
18/10/2002

**Agent:**  
Sunderland Peacock &  
Associates

**Ward:**  
Harraby

**Location:**  
Harraby Inn, Harraby Grove, Carlisle, CA1 2QN

**Grid Reference:**  
341630 554350

**Proposal:** New porch

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1111

**Applicant:**  
Mr & Mrs Birch

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
13/11/2002

**Agent:**  
Paramount Windows Ltd

**Ward:**  
Dalston

**Location:**  
Plot 6, Oakland View, Carleton Grange, Carlisle

**Grid Reference:**  
342800 554000

**Proposal:** Erection of conservatory.

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1112

**Applicant:**  
Mr Tyson

**Parish:**  
Carlisle

**Date of Receipt:**  
18/10/2002

**Agent:**  
Paramount Windows

**Ward:**  
Belah

**Location:**  
131 Lowry Hill Road, Lowry Hill, Carlisle, CA3 0EZ

**Grid Reference:**  
339015 558000

**Proposal:** Conservatory to rear of property

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Later found to be Permitted Development

**Date:** 04/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**

02/1113

**Applicant:**

Mr & Mrs Armstrong

**Parish:**

Carlisle

**Date of Receipt:**

18/10/2002

**Agent:**

Paramount Windows

**Ward:**

Belah

**Location:**

92 Lowry Hill Road, Lowry Hill, Carlisle, CA3 0DH

**Grid Reference:**

338920 558825

**Proposal:** Conservatory to rear of property

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**

02/1116

**Applicant:**

Carlisle City Council

**Parish:**

Carlisle

**Date of Receipt:**

21/10/2002

**Agent:**

Johnston & Wright

**Ward:**

Castle

**Location:**

The Sands Leisure Centre, The Sands Centre,  
Carlisle

**Grid Reference:**

340190 556427

**Proposal:** Extension to fitness suite

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**

02/1118

**Applicant:**

Mr J P D E Latour

**Parish:**

Carlisle

**Date of Receipt:**

21/10/2002

**Agent:**

Tsada Building Design

**Ward:**

Stanwix Urban

## SCHEDULE E: Decisions Issued Under Delegated Powers

### Services

**Location:**  
Belah Cottage, Waverley Road, Carlisle

**Grid Reference:**  
339735 557765

**Proposal:** Bedroom extension and ensuite bathroom with pitched roof to garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1119

**Applicant:**  
Lloyd Motors Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
18/11/2002

**Agent:**  
Shanks Design & Build Ltd

**Ward:**  
Belah

**Location:**  
Lloyd Honda, Unit 20A, Grearshill Road, Kingstown  
Industrial Estate, Carlisle, CA3 0ET

**Grid Reference:**  
339418 559357

**Proposal:** Single and two storey extensions to side and rear to incorporate workshop, parts store and repair bays for motor bike/scooter dealership.

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1121

**Applicant:**  
Marks & Spencer PLC

**Parish:**  
Carlisle

**Date of Receipt:**  
22/10/2002

**Agent:**  
Nathaniel Lichfield &  
Partners

**Ward:**  
Castle

**Location:**  
Marks & Spencers PLC, 42-56 English Street,  
Carlisle, CA3 8HS

**Grid Reference:**  
340022 555780

**Proposal:** Erection of non-illuminated signage

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 13/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1122

**Applicant:**  
Mr & Mrs D Rothwell

**Parish:**  
Wetheral

**Date of Receipt:**  
22/10/2002

**Agent:**  
John Lyon Associates

**Ward:**  
Wetheral

**Location:**  
3 Broomy Hill, Aglionby, Carlisle

**Grid Reference:**  
344760 556620

**Proposal:** Extension of garage to form utility area, first floor bathroom and ground floor sunroom/porch

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1123

**Applicant:**  
Mr S Fontana

**Parish:**  
Carlisle

**Date of Receipt:**  
01/11/2002

**Agent:**

**Ward:**  
Yewdale

**Location:**  
142 Hebden Avenue, Keld Park, Carlisle, CA2 6TU

**Grid Reference:**  
337250 554770

**Proposal:** Single storey rear extension to form kitchen and dining room

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1125

**Applicant:**  
Mr T Hatt

**Parish:**  
Burtholme

**Date of Receipt:**  
22/10/2002

**Agent:**  
Ian Ward Associates

**Ward:**  
Irthing

**Location:**  
Abbey Bridge Hotel, Lanercost, Brampton

**Grid Reference:**  
355323 563249

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Alterations and extensions to existing annex to form en-suite bedrooms and ground floor living accommodation

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1126

**Applicant:**  
Mr T Hatt

**Parish:**  
Brampton

**Date of Receipt:**  
22/10/2002

**Agent:**  
Ian Ward Associates

**Ward:**  
Brampton

**Location:**  
Abbey Bridge Hotel, Lanercost, Brampton

**Grid Reference:**  
355323 563249

**Proposal:** Alteration and extension to provide additional en-suite facilities and demolition of outbuildings (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1127

**Applicant:**  
Mr I Turner

**Parish:**  
Carlisle

**Date of Receipt:**  
23/10/2002

**Agent:**

**Ward:**  
Belle Vue

**Location:**  
20 Grinsdale Avenue, Carlisle, CA2 7LX

**Grid Reference:**  
337295 556223

**Proposal:** First floor extension to provide additional bedrooms

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**

**Applicant:**

**Parish:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

02/1131                              Mr & Mrs Race                              Dalston

**Date of Receipt:**                              **Agent:**                              **Ward:**  
23/10/2002                              S & H Construction                              Dalston

**Location:**                              **Grid Reference:**  
24 Nook Lane Close, Dalston, Carlisle, CA5 7JA                              336400 549900

**Proposal:** Extension over garage to form bedroom with en-suite, rear extension to provide living accommodation and canopy extended over garage door

**Amendment:**

**Decision:** Grant Permission                              **Date:** 15/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**                              **Applicant:**                              **Parish:**  
02/1132                              English Heritage                              Upper Denton

**Date of Receipt:**                              **Agent:**                              **Ward:**  
18/11/2002                                                           Irthing

**Location:**                              **Grid Reference:**  
Poltross Burn Milestone, Hadrians Wall, Gilsland                              363442 566223

**Proposal:** Replacement footbridge

**Amendment:**

**Decision:** Grant Permission                              **Date:** 16/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**                              **Applicant:**                              **Parish:**  
02/1133                              Mr & Mrs Hall                              Wetheral

**Date of Receipt:**                              **Agent:**                              **Ward:**  
23/10/2002                              Gordon                              Wetheral

**Location:**                              **Grid Reference:**  
Crumble Cottage, Cumwhinton, Carlisle, CA4 8ER                              345165 552835

**Proposal:** Two storey extension to provide replacement kitchen and bathroom

**Amendment:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 13/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1136

**Applicant:**  
Mr B Dent

**Parish:**  
Arthuret

**Date of Receipt:**  
31/10/2002

**Agent:**  
Rodney Jeremiah

**Ward:**  
Longtown & Rockcliffe

**Location:**  
1 Woodside, Sandysike, CA6 5SP

**Grid Reference:**  
338025 566100

**Proposal:** Single storey extension to provide kitchen, utility room and family room

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1137

**Applicant:**  
Mr George McGarr

**Parish:**  
Scaleby

**Date of Receipt:**  
25/10/2002

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
High Hill Cottage, Scaleby, Carlisle, CA6 4LW

**Grid Reference:**  
345485 563155

**Proposal:** Erection of 3no. pairs of internal shutters to lounge and dining room windows (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1138

**Applicant:**  
C G Ford

**Parish:**  
Carlisle

**Date of Receipt:**  
25/10/2002

**Agent:**  
Arlux UK Ltd

**Ward:**  
Belah

**Location:**  
C G Ford, Unit 12, Millbrook Road, Kingstown

**Grid Reference:**  
339300 559400

## SCHEDULE E: Decisions Issued Under Delegated Powers

Industrial Estate, Carlisle, CA1 1JF

**Proposal:** Display of 2no. Internally illuminated dealer name and projecting signs together with 1no. non-illuminated entrance sign

**Amendment:**

**Decision:** Grant Permission

**Date:** 25/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1143

**Applicant:**  
Mr G McGarr

**Parish:**  
Scaleby

**Date of Receipt:**  
25/10/2002

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
High Hill Cottage, Scaleby, Carlisle, CA6 4LW

**Grid Reference:**  
345485 563155

**Proposal:** Erection of outbuilding to provide drying room, garage, utility and log store together with decked area (LBC)

**Amendment:**

**Decision:** Later found to be Permitted Development

**Date:** 21/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1145

**Applicant:**  
Mrs Pattinson

**Parish:**  
Dalston

**Date of Receipt:**  
29/10/2002

**Agent:**  
Ventrolla

**Ward:**  
Dalston

**Location:**  
19 The Square, Dalston, Carlisle, CA5 7PY

**Grid Reference:**  
336870 550150

**Proposal:** Replacement windows (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/12/2002

---

Between 02/11/2002 and 17/01/2003

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:** 02/1146  
**Applicant:** Mr T H Wilson  
**Parish:** Farlam

**Date of Receipt:** 30/10/2002  
**Agent:** Hopes Auction Co Ltd  
**Ward:** Irthing

**Location:** L/A Field 5342/6433, Farlam, Brampton  
**Grid Reference:** 355600 559342

**Proposal:** Formation of fishery for private use together with formation of bund.

**Amendment:**

**Decision:** Withdrawn by Applicant/or by default

**Date:** 22/11/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:** 02/1147  
**Applicant:** Mr Richard Dixon  
**Parish:** Wetheral

**Date of Receipt:** 28/10/2002  
**Agent:** Anthony Wright & Associates  
**Ward:** Great Corby & Geltsdale

**Location:** Plot 1, Longhwaite Farm, Warwick Bridge, Carlisle, CA4 8RN  
**Grid Reference:** 347970 556670

**Proposal:** Change of use of agricultural land to garden

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:** 02/1154  
**Applicant:** Mr & Mrs Workman  
**Parish:** St Cuthberts Without

**Date of Receipt:** 30/10/2002  
**Agent:** Armstrong Payne Associates  
**Ward:** Dalston

**Location:** Land and Buildings adjacent to Orchard Lodge, Carleton, Carlisle  
**Grid Reference:** 342940 552670

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Use of redundant agricultural barn and attached land for B1 office purposes with associated parking.

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1155

**Applicant:**  
Wetheral Parish Council

**Parish:**  
Wetheral

**Date of Receipt:**  
08/11/2002

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Wetheral Woodland Cemetery, Ashgate Lane,  
Wetheral, Carlisle

**Grid Reference:**  
346100 554200

**Proposal:** Erection of a Lychgate to link Wetheral Cemetery with Woodland Cemetery

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1157

**Applicant:**  
Mr B Jones

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
31/10/2002

**Agent:**

**Ward:**  
Burgh

**Location:**  
Ashcroft, Thurstonfield, Carlisle, CA5 6HD

**Grid Reference:**  
331715 556600

**Proposal:** Erection of agricultural building to house fodder and implements

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/11/2002

---

Between 02/11/2002 and 17/01/2003

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**

02/1159

**Applicant:**

Discovery Stores

**Parish:**

Carlisle

**Date of Receipt:**

05/11/2002

**Agent:**

Premier Systems

**Ward:**

Castle

**Location:**The Discovery Store 41 Scotch Street, Carlisle, CA3  
8PT**Grid Reference:**

340117 556052

**Proposal:** Erection of internally illuminated fascia sign (retrospective)**Amendment:****Decision:** Grant Permission**Date:** 09/12/2002

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**

02/1162

**Applicant:**

Mr B Bailey

**Parish:**

Orton

**Date of Receipt:**

05/11/2002

**Agent:**

Green Design Group

**Ward:**

Burgh

**Location:**

The Barn, Baldwinholme, Carlisle, CA5 6LJ

**Grid Reference:**

333830 551946

**Proposal:** Conversion of barn to dwelling (revised application)**Amendment:****Decision:** Grant Permission**Date:** 09/12/2002

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**

02/1163

**Applicant:**

United Utilities plc

**Parish:**

Arthuret

**Date of Receipt:**

07/11/2002

**Agent:****Ward:**

Longtown &amp; Rockcliffe

**Location:**

Sub-Station Chapeltown, Easton, Longtown

**Grid Reference:**

343218 571710

**Proposal:** Extension to 33kv sub-station**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 19/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1168

**Applicant:**  
F Brown (Carlisle) Ltd

**Parish:**  
Dalston

**Date of Receipt:**  
08/11/2002

**Agent:**  
Patterson Heggie

**Ward:**  
Dalston

**Location:**  
F Brown (Carlisle) Ltd, Cardewless, Dalston,  
Carlisle, CA5 6LF

**Grid Reference:**  
334967 551400

**Proposal:** Temporary siting of portakabin for office accommodation

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1169

**Applicant:**  
F Brown (Carlisle) Ltd

**Parish:**  
Dalston

**Date of Receipt:**  
06/11/2002

**Agent:**  
Patterson Heggie

**Ward:**  
Dalston

**Location:**  
F Brown (Carlisle) Ltd, Cardewless, Dalston,  
Carlisle, CA5 6LF

**Grid Reference:**  
334967 551400

**Proposal:** Provision of direct loading facility to trailers

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1170

**Applicant:**  
Mr A Thompson

**Parish:**  
Hayton

**Date of Receipt:**  
06/11/2002

**Agent:**

**Ward:**  
Hayton

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
The How Farm, How Mill, Carlisle

**Grid Reference:**  
350553 556360

**Proposal:** Relocation of implement shed

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1171

**Applicant:**  
Mr & Mrs C Slater

**Parish:**  
Carlisle

**Date of Receipt:**  
07/11/2002

**Agent:**  
Green Design Group

**Ward:**  
Stanwix Urban

**Location:**  
1 Cross Field, Stanwix, Carlisle, CA3 9HQ

**Grid Reference:**  
339851 557549

**Proposal:** Alterations and extensions to ground floor front and sides

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1172

**Applicant:**  
Carlisle City Council

**Parish:**  
Carlisle

**Date of Receipt:**  
08/11/2002

**Agent:**  
Parks & Countryside

**Ward:**  
St Aidans

**Location:**  
Adelaide Street Allotments, Delagoa Street, Carlisle

**Grid Reference:**  
341300 555200

**Proposal:** Installation of security fencing along part of boundary site of allotments

**Amendment:**

**Decision:** Grant Permission

**Date:** 18/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**

**Applicant:**

**Parish:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

02/1174                      Story Construction                      St Cuthberts Without

**Date of Receipt:**                      **Agent:**                      **Ward:**  
08/11/2002                                      Dalston

**Location:**                                      **Grid Reference:**  
Phase 4, Former Garlands Hospital, Carleton,  
Carlisle                                      343249 553870

**Proposal:** Substitution of house types plots 57,59,75 and 92

**Amendment:**

**Decision:** Grant Permission                      **Date:** 30/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**                      **Applicant:**                      **Parish:**  
02/1176                                      Carrow Ltd                      Carlisle

**Date of Receipt:**                      **Agent:**                      **Ward:**  
13/11/2002                                      Jock Gordon                      Currock

**Location:**                                      **Grid Reference:**  
Paton House, Bush Brow, Carlisle, CA3 8AN                      340124 555644

**Proposal:** Formation of new door openings, new entrance frontage, erection of fire escape and external lift shaft

**Amendment:**

**Decision:** Grant Permission                      **Date:** 06/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**                      **Applicant:**                      **Parish:**  
02/1177                                      Airwave MM02 Ltd                      Nicholforest

**Date of Receipt:**                      **Agent:**                      **Ward:**  
11/11/2002                                      Lambert Smith Hampton  
Group Ltd                      Lyne

**Location:**                                      **Grid Reference:**  
L/A Part Field No. 6858, Bessiestown Farm,  
Catlowdy, Penton, Carlisle, CA5 6QP                      346750 576800

**Proposal:** Installation of 25 metre latic tower mast with 3no. antenna and 2no.



## SCHEDULE E: Decisions Issued Under Delegated Powers

microwave dishes and associated equipment cabin

### Amendment:

**Decision:** Grant Permission

**Date:** 16/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1178

**Applicant:**  
Mr Kelly

**Parish:**  
Wetheral

**Date of Receipt:**  
11/11/2002

**Agent:**

**Ward:**  
Wetheral

**Location:**  
22 Faustin Hill, Wetheral, Carlisle, CA4 8JZ

**Grid Reference:**  
346410 554990

**Proposal:** Erection of a conservatory to rear elevation.

### Amendment:

**Decision:** Grant Permission

**Date:** 17/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1180

**Applicant:**  
Mr Bailey

**Parish:**  
Carlisle

**Date of Receipt:**  
28/11/2002

**Agent:**  
B Taylor

**Ward:**  
Belle Vue

**Location:**  
267 Newtown Road, Carlisle, CA2 7LS

**Grid Reference:**  
337920 556040

**Proposal:** Erection of garage and utility room

### Amendment:

**Decision:** Grant Permission

**Date:** 24/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1184

**Applicant:**  
Durham Pine Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
12/11/2002

**Agent:**

**Ward:**  
Denton Holme

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**  
Durham Pine, The Maltings, Shaddongate, Carlisle,  
CA2 5TU

**Grid Reference:**  
339520 555840

**Proposal:** Display of illuminated signage

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1185

**Applicant:**  
Virgin Trains

**Parish:**  
Carlisle

**Date of Receipt:**  
13/11/2002

**Agent:**  
Potts Parry & Ives

**Ward:**  
Currock

**Location:**  
Citadel Station, Court Square, Carlisle, CA1 1QZ

**Grid Reference:**  
340225 555550

**Proposal:** Installation of CCTV camera on post for security purposes

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1193

**Applicant:**  
Mr L Grant

**Parish:**  
Carlisle

**Date of Receipt:**  
14/11/2002

**Agent:**

**Ward:**  
Yewdale

**Location:**  
L/A to rear of, 26 Chesterholm, Sandsfield Park,  
Carlisle, CA2 7XX

**Grid Reference:**  
336823 555537

**Proposal:** Change of use of open space to domestic curtilage and erection of 1.8m timber boundary fence

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/01/2003

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1196

**Applicant:**  
Mrs Winthrop

**Parish:**  
Arthuret

**Date of Receipt:**  
14/11/2002

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Tall Trees, Sandysike, Carlisle

**Grid Reference:**  
338120 566150

**Proposal:** Side and rear extensions to provide, bedroom, shower room, store, utility and dining room

**Amendment:**

**Decision:** Grant Permission

**Date:** 19/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1197

**Applicant:**  
Tynedale Farm Services

**Parish:**  
Kirkandrews

**Date of Receipt:**  
14/11/2002

**Agent:**  
Kingmoor Construction Ltd

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Tynedale Farm Services, Townfoot, Longtown,  
Carlisle

**Grid Reference:**  
337538 568980

**Proposal:** Lean to extension to form mineral store

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1198

**Applicant:**  
Mr K Howson

**Parish:**  
Carlisle

**Date of Receipt:**  
15/11/2002

**Agent:**  
Mr G Tyler

**Ward:**  
St Aidans

**Location:**  
77 Vasey Crescent, Carlisle

**Grid Reference:**  
341195 555655

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Single storey rear extension to provide kitchen/dining room.

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1199

**Applicant:**  
Mr & Mrs Millington

**Parish:**  
Carlisle

**Date of Receipt:**  
15/11/2002

**Agent:**  
Mr G Tyler

**Ward:**  
Morton

**Location:**  
1 Levens Drive, Morton Park, Carlisle, CA2 6JF

**Grid Reference:**  
338730 554700

**Proposal:** Two storey extension to provide new bedroom with shower room at first floor level and open covered car port at ground floor level

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1200

**Applicant:**  
Mr C W Fearn

**Parish:**  
Carlisle

**Date of Receipt:**  
15/11/2002

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**  
180 Scotland Road, Carlisle, CA3 9HA

**Grid Reference:**  
339872 557900

**Proposal:** Ground floor side and rear extension to form study, cloaks, utility room and store

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/01/2003

---

Between 02/11/2002 and 17/01/2003

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
02/1201

**Applicant:**  
Mr J Grant

**Parish:**  
Kingmoor

**Date of Receipt:**  
18/11/2002

**Agent:**  
Mr G R Stephen

**Ward:**  
Stanwix Rural

**Location:**  
L/A Crindledyke Estate - (2nd phase), Carlisle,  
Cumbria

**Grid Reference:**  
338349 560500

**Proposal:** Erection of 7no.dwellings (revised scheme)

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1202

**Applicant:**  
Border Storage Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
18/11/2002

**Agent:**  
Ian Munro Planning &  
Development Consultant

**Ward:**  
Upperby

**Location:**  
1 Lightfoot Drive, Old Harraby, Carlisle, CA1 3BN

**Grid Reference:**  
341804 553754

**Proposal:** Change of use from housing office to dwellinghouse

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1203

**Applicant:**  
Mr & Mrs Adams

**Parish:**  
Carlisle

**Date of Receipt:**  
18/11/2002

**Agent:**  
Anglian Home  
Improvements

**Ward:**  
Stanwix Urban

**Location:**  
19 Etterby Lea Crescent, Stanwix, Carlisle, CA3  
9LG

**Grid Reference:**  
339645 557380

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Erection of conservatory  
**Amendment:**

**Decision:** Grant Permission

**Date:** 13/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1204

**Applicant:**  
McVities

**Parish:**  
Carlisle

**Date of Receipt:**  
25/11/2002

**Agent:**  
McVities

**Ward:**  
Castle

**Location:**  
McVities Biscuit Works 54 Church Street,  
Caldewgate, Carlisle, CA2 5TG

**Grid Reference:**  
339233 556005

**Proposal:** Construction of additional toilet block

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1206

**Applicant:**  
Cumbria County Council

**Parish:**  
Carlisle

**Date of Receipt:**  
19/11/2002

**Agent:**  
Capita Property  
Consultancy

**Ward:**  
St Aidans

**Location:**  
Former Club Promotions Office - Rear of 259  
Warwick Road, Carlisle, CA1 1LJ

**Grid Reference:**  
341458 556988

**Proposal:** Change of use of building to education facility including internal refurbishment, provision of ramped access, replacement windows and roof covering

**Amendment:**

**Decision:** Grant Permission

**Date:** 31/12/2002

---

Between 02/11/2002 and 17/01/2003

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:** 02/1207                      **Applicant:** Mr & Mrs A Rogers                      **Parish:** Stapleton

**Date of Receipt:** 19/11/2002                      **Agent:** Paramount Windows                      **Ward:** Lyne

**Location:** Dorryfield Cottage, Roweltown, Roadhead, CA6 6JN                      **Grid Reference:** 350070 570600

**Proposal:** Erection of conservatory to front elevation.

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:** 02/1209                      **Applicant:** Carlisle Baptist Church                      **Parish:** Carlisle

**Date of Receipt:** 19/11/2002                      **Agent:** HTGL Architects Ltd                      **Ward:** Castle

**Location:** Carlisle Baptist Church, Aglionby Street, Carlisle, CA1 1LE                      **Grid Reference:** 340672 555743

**Proposal:** Formation of new access/entrance, replace windows to rear annexe and internal alterations to create new toilets

**Amendment:**

**Decision:** Grant Permission

**Date:** 31/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:** 02/1211                      **Applicant:** Mr M Oliphant                      **Parish:** Stapleton

**Date of Receipt:** 02/12/2002                      **Agent:**                      **Ward:** Lyne

**Location:** Myrtle Cottage, Rackbridge, Hethersgill, Carlisle, CA6 6HX                      **Grid Reference:** 347565 570685

**Proposal:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

Erection of conservatory

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1212

**Applicant:**  
Mr & Mrs G Foster

**Parish:**  
Brampton

**Date of Receipt:**  
19/11/2002

**Agent:**

**Ward:**  
Brampton

**Location:**  
8 St Martins Close, Brampton, CA8 1TH

**Grid Reference:**  
352715 560855

**Proposal:** Ground floor bedroom extension.

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1217

**Applicant:**  
Mr F McLeod

**Parish:**  
Carlisle

**Date of Receipt:**  
20/11/2002

**Agent:**

**Ward:**  
Yewdale

**Location:**  
152 Chesterholm, Sandsfield Park, Carlisle, CA2  
7XN

**Grid Reference:**  
337001 555389

**Proposal:** Erection of conservatory.

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1218

**Applicant:**  
Mr A Taylor

**Parish:**  
Bewcastle



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**

20/11/2002

**Agent:**

Rodney Jeremiah

**Ward:**

Lyne

**Location:**

Routledge Burn, Bailey, TDG 0TW

**Grid Reference:**

351600 581850

**Proposal:** Alterations to existing cottage and change of use of adjoining barn to form additional accommodation

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**

02/1219

**Applicant:**

Mr & Mr D Buck

**Parish:**

Kirklington Middle

**Date of Receipt:**

21/11/2002

**Agent:**

Tsada Building Design  
Services

**Ward:**

Lyne

**Location:**

24 Ryehill Park, Smithfield, Carlisle, CA6 6BH

**Grid Reference:**

344090 565470

**Proposal:** Single storey utility room & dayroom extension.

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**

02/1222

**Applicant:**

North Cumbria Acute  
Hospitals NHS Trust

**Parish:**

Carlisle

**Date of Receipt:**

25/11/2002

**Agent:**

**Ward:**

Castle

**Location:**

Cumberland Infirmary (adj. Fairfield Centre),  
Newtown Road, Cumbria

**Grid Reference:**

338752 556100

**Proposal:** Provision of "portacabin" for temporary period to provide orthopaedics meeting/training room next to existing temporary office accommodation

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 30/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1224

**Applicant:**  
Mr & Mrs S Higgs

**Parish:**  
Wetheral

**Date of Receipt:**  
21/11/2002

**Agent:**  
Alan Gosling Architects

**Ward:**  
Wetheral

**Location:**  
14 Croft Park, Wetheral, Carlisle, Cumbria, CA4  
8JH

**Grid Reference:**  
346400 554362

**Proposal:** Construction of dormer window to en-suite bathroom and erection of ground floor lounge extension

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1225

**Applicant:**  
Mr W G Shields

**Parish:**  
Dalston

**Date of Receipt:**  
21/11/2002

**Agent:**

**Ward:**  
Dalston

**Location:**  
Feld Garth, Orton Grange, Great Orton, Carlisle,  
CA5 6LA

**Grid Reference:**  
335679 552175

**Proposal:** Two storey extension providing garage, kitchen, utility room, conservatory and bedrooms

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1228

**Applicant:**  
Cartmell Shepherd

**Parish:**  
Carlisle

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**

22/11/2002

**Agent:**

**Ward:**

Castle

**Location:**

Viaduct House, Victoria Viaduct, Carlisle, Cumbria,  
CA3 8EZ

**Grid Reference:**

340062 555652

**Proposal:** Display of name sign to western elevation comprising individual letters on existing sandstone fascia and projecting sign to elevation to Victoria Viaduct

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**

02/1229

**Applicant:**

Dr & Mrs Zobair

**Parish:**

Carlisle

**Date of Receipt:**

22/11/2002

**Agent:**

Allan Park

**Ward:**

Belah

**Location:**

49 Newfield Drive, Newfield, Carlisle, CA3 0AG

**Grid Reference:**

339780 558960

**Proposal:** Erection of first floor side extension to provide bedroom, dressing room and en-suite bathroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**

02/1230

**Applicant:**

Mr J S Swinsco

**Parish:**

Beaumont

**Date of Receipt:**

22/11/2002

**Agent:**

**Ward:**

Burgh

**Location:**

The Old Post Office, Kirkandrews-on-Eden,  
Cumbria,

**Grid Reference:**

335470 558265

**Proposal:** Variation of condition no. 3 attached to planning consent ref:- 02/0849 to allow development to be implemented without submitting a programme

## SCHEDULE E: Decisions Issued Under Delegated Powers

of archaeological works

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1241

**Applicant:**  
Annington Property Ltd

**Parish:**  
Kirkandrews

**Date of Receipt:**  
03/12/2002

**Agent:**  
W S Atkins

**Ward:**  
Longtown & Rockcliffe

**Location:**  
17-18 Greenmill Road, Longtown, Carlisle, Cumbria,  
CA6 5LT

**Grid Reference:**  
335880 568250

**Proposal:** Installation of 2no LPG storage tanks, plinths and firewalls to provide residential houses with gas

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1243

**Applicant:**  
Mrs K Phillips

**Parish:**

**Date of Receipt:**  
26/11/2002

**Agent:**  
Jock Gordon

**Ward:**  
Yewdale

**Location:**  
13 Solway Park, Carlisle, Cumbria, CA2 6TH

**Grid Reference:**  
337771 555127

**Proposal:** Ground floor kitchen extension.

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1248

**Applicant:**  
D M Mallin

**Parish:**  
Carlisle

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
27/11/2002

**Agent:**

**Ward:**  
Harraby

**Location:**  
53 Hopes Hill Drive, Carlisle, CA1 3LQ

**Grid Reference:**  
342470 553680

**Proposal:** Two storey extension to provide TV room, enlarge kitchen and utility room and 1no. bedroom at first floor

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1253

**Applicant:**  
Education Youth Services  
Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
05/12/2002

**Agent:**

**Ward:**  
Castle

**Location:**  
1st Floor - 34 Spencer Street, Carlisle, CA1 1BA

**Grid Reference:**  
340455 555814

**Proposal:** Change of use from A1 mixed use retail to D1 use as a non residential training establishment, with ancillary office use

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1256

**Applicant:**  
Mr & Mrs P Brady

**Parish:**  
Carlisle

**Date of Receipt:**  
28/11/2002

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**  
38 Etterby Street, Stanwix, Carlisle, CA3 9JB

**Grid Reference:**  
339870 557178

**Proposal:** Alterations to single story rear extension to form utility room from existing accommodation(LBC)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Withdrawn by Applicant/or by default

**Date:** 24/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1258

**Applicant:**  
Mrs M T Medley

**Parish:**  
Wetheral

**Date of Receipt:**  
28/11/2002

**Agent:**  
Thomson Roddick & Laurie

**Ward:**  
Wetheral

**Location:**  
15 Lady Steps, Scotby, Carlisle, CA4 8DD

**Grid Reference:**  
344345 554535

**Proposal:** Single storey extension to rear of dwelling to provide 1no bedroom and a conservatory

**Amendment:**

**Decision:** Grant Permission

**Date:** 31/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1260

**Applicant:**  
Mr A Carrigan

**Parish:**  
Carlisle

**Date of Receipt:**  
06/12/2002

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**  
35 Lansdowne Crescent, Stanwix, Carlisle, CA3 9ET

**Grid Reference:**  
340030 557687

**Proposal:** Single storey extension to side and rear elevation with provision for kitchen, shower room and garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1263

**Applicant:**  
Pirelli UK Tyres Ltd

**Parish:**  
Carlisle

**Date of Receipt:**

**Agent:**

**Ward:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

29/11/2002

Pirelli Property Department Denton Holme

**Location:**

Pirelli (UK) Tyres Limited, Dalston Road, Carlisle,  
CA2 6AR

**Grid Reference:**

338900 553600

**Proposal:** Single storey extension to the electrical and transformer building to provide toilet facilities

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**

02/1270

**Applicant:**

Mr G McDermott

**Parish:**

Carlisle

**Date of Receipt:**

03/12/2002

**Agent:**

B Taylor

**Ward:**

Yewdale

**Location:**

7 Fergus Way, Morton West, Carlisle, CA2 6TQ

**Grid Reference:**

338011 555210

**Proposal:** Two storey extension to provide kitchen and bedrooms above

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**

02/1276

**Applicant:**

Mr & Mrs Salkeld

**Parish:**

Wetheral

**Date of Receipt:**

09/12/2002

**Agent:**

Finesse Windows Ltd

**Ward:**

Wetheral

**Location:**

Fernlea Cottage, Chestnut Grove, Cumwhinton,  
Carlisle

**Grid Reference:**

345300 552841

**Proposal:** Erection of Conservatory to front of dwelling

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 17/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1277

**Applicant:**  
The Treat Trolley

**Parish:**  
Carlisle

**Date of Receipt:**  
03/12/2002

**Agent:**

**Ward:**  
Castle

**Location:**  
51-53 Lowther Street, Carlisle, CA3 8EQ

**Grid Reference:**  
340215 555912

**Proposal:** Erection of 1no non-illuminated fascia sign and 1no non-illuminated projecting sign

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1280

**Applicant:**  
Mr & Mrs Irving

**Parish:**  
Irthington

**Date of Receipt:**  
03/12/2002

**Agent:**

**Ward:**  
Stanwix Rural

**Location:**  
L/ADJ Towngate, Laversdale, Carlisle, CA5 7PA

**Grid Reference:**  
347640 562520

**Proposal:** Erection of 4 bedroomed detached house (revised application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1284

**Applicant:**  
Carlisle City Council

**Parish:**  
Carlisle

**Date of Receipt:**  
11/12/2002

**Agent:**  
Carlisle City Council -  
Design Services

**Ward:**  
Belah

**Location:**

**Grid Reference:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

Belah Community Centre, Briar Bank, Carlisle, CA3 9SR 339579 558010

**Proposal:** Extension to building to provide disabled WC

**Amendment:**

**Decision:** Grant Permission

**Date:** 14/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1287

**Applicant:**  
Mr & Mrs Davis

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
05/12/2002

**Agent:**  
Hogg & Robinson  
(Builders) Ltd

**Ward:**  
Stanwix Rural

**Location:**  
High Knells Cottage, High Knells, Houghton,  
Carlisle, CA6 4JW

**Grid Reference:**  
342060 561660

**Proposal:** Demolition of existing outbuildings and kitchen/utility room extension and erection of two storey extension to provide conservatory and kitchen with en-suite bedroom above; together with the erection of detached double garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1292

**Applicant:**  
Tallantire Properties

**Parish:**  
Carlisle

**Date of Receipt:**  
06/12/2002

**Agent:**  
Architects Plus

**Ward:**  
Castle

**Location:**  
Broadacre House, Lowther Street, Carlisle

**Grid Reference:**  
340270 555818

**Proposal:** Replacement of windows to rear elevations and light well and erection of new fixed and freestanding handrails on roof

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 16/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1293

**Applicant:**  
Tallantire Properties

**Parish:**  
Carlisle

**Date of Receipt:**  
06/12/2002

**Agent:**  
Architects Plus

**Ward:**  
Castle

**Location:**  
BROADACRE HOUSE, Lowther Street, Carlisle

**Grid Reference:**  
340183 556132

**Proposal:** Replacement windows and erection of handrails (LBC)

**Amendment:**

**Decision:** Later found to be Permitted Development

**Date:** 09/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1298

**Applicant:**  
Mr J Rawes

**Parish:**  
Wetheral

**Date of Receipt:**  
09/12/2002

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Glendale, Cotehill, Carlisle, CA4 0AZ

**Grid Reference:**  
346687 550759

**Proposal:** Single storey extension to form music room, studio workshop and toilet  
(revised application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**  
02/1302

**Applicant:**  
Mr & Mrs R Mason

**Parish:**

**Date of Receipt:**  
10/12/2002

**Agent:**  
Architects Plus

**Ward:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**

Land adjacent to Houghton Hall, Houghton

**Grid Reference:**

**Proposal:** Removal of existing timber sheds and erection of new dwelling within area of walled garden (LBC)

**Amendment:**

**Decision:** Later found to be Permitted Development

**Date:** 10/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**

02/1313

**Applicant:**

Defence Estates

**Parish:**

Kirkandrews

**Date of Receipt:**

12/12/2002

**Agent:**

**Ward:**

Longtown & Rockcliffe

**Location:**

DM, Longtown, Carlisle

**Grid Reference:**

336260 568349

**Proposal:** The long term retention of modular building at the rear of the Main Gate House

**Amendment:**

**Decision:** City Council Observation - Raise Objection(s)

**Date:** 16/01/2003

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**

02/9035

**Applicant:**

Client Services and  
Property Unit

**Parish:**

Carlisle

**Date of Receipt:**

22/11/2002

**Agent:**

Cumbria County Council

**Ward:**

Morton

**Location:**

54 Westrigg Road, Morton Park, Carlisle, CA2 1PE

**Grid Reference:**

338121 554267

**Proposal:** Demolition of existing first floor corridor and external garage, construction of two storey extension to form bedroom accommodation

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** City Council Observation - Observations

**Date:** 13/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**

02/9036

**Applicant:**

Client Services and  
Property Unit

**Parish:**

Cummersdale

**Date of Receipt:**

22/11/2002

**Agent:**

Cumbria County Council

**Ward:**

Dalston

**Location:**

Cummersdale Primary School, Cummersdale,  
Carlisle, Cumbria

**Grid Reference:**

338960 553285

**Proposal:** Relocation of family centre portacabin

**Amendment:**

**Decision:** City Council Observation - Observations

**Date:** 12/12/2002

---

Between 02/11/2002 and 17/01/2003

**Appn Ref No:**

02/9039

**Applicant:**

United Utilities plc

**Parish:**

Cummersdale

**Date of Receipt:**

19/12/2002

**Agent:**

Cumbria County Council

**Ward:**

Dalston

**Location:**

L/A Rear of Printworks, Cummersdale, Carlisle, CA2  
6BT

**Grid Reference:**

339382 553189

**Proposal:** Construction of a standby generator and associated fencing

**Amendment:**

**Decision:** City Council Observation - Raise No Objection

**Date:** 09/01/2003

---